

# AQA Conflict of Interest policy

October 2018 v1.0

## 1. INTRODUCTION

### Purpose

- 1.1 The purpose of this policy is to describe the Conflict of Interest policies and procedures that are in place within the AQA Group. The aim of this policy is to protect the reputation and integrity of all employees, Council and committee members, sub-contractors and all third parties acting on its behalf.

AQA wishes to operate in a fair and transparent way whilst ensuring that as an accredited awarding body we continue to fully comply with regulatory<sup>1</sup> requirements. 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 describes the steps that will be taken to ensure that conflicts of interest involving AQA are registered and do not damage the integrity of its operations.

### Who this affects

- 1.2 A conflict of interest may involve:

- **organisations and companies** including (i) AQA and the wider AQA Group that encompasses, for example, DRS, and 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, Council of Trustees, associates, and in-house contractors; (ii) individuals connected to organisations and companies acting on AQA's behalf.

Specifically this policy covers:

- all AQA employees (permanent, FTC and temporary resource) and the wider AQA group (Doublestruck and DRS),
- all associates involved in the production of assessment materials and / or training and / or examiners
- all AQA suppliers and contractors, and
- all AQA stakeholder groups including Council of Trustees

<sup>1</sup> Ofqual Conditions of Recognition, condition A4 specifically requires awarding organisations to maintain an up to date conflict of interest policy; condition G4 requires awarding organisations to ensure confidentiality is not breached by anyone during any part of the development and delivery process

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## When might it happen?

- 1.3 A conflict of interest may arise where any activity undertaken by AQA and those acting on its behalf could lead them to act contrary to AQA's obligations to the independent regulator, Ofqual, for the development, delivery and award of qualifications.

This might be experienced where:

- an employee is related to someone taking AQA exams and is faced in a meeting with a decision about exam paper content
- an associate writes exam content for AQA and also teaches that specification or has a spouse/partner/close relation who teaches the specification
- 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
- 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 family<sup>2</sup> member 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 or may be asked to decide on employee pay and/or conditions
- a Director may sit on the committee of another organisation which is competing alongside AQA for the same funding
- a Council member may be related to someone involved in a business that is awarded a contract to provide services to AQA, or may have shares in such a business.

The examples listed above are examples only; this list is not exhaustive.

## 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
- inclusion of standard terms and conditions within contractual agreements with 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

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<sup>2</sup>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 person with a familiar relationship with whom there is regular contact

towards any required quorum for the meeting.

- record of interests: upon appointment, each Director, employee, associate and in-house contractor makes a full, written disclosure of interests, such as relationships and posts held, that could potentially result in a conflict of interest.

		Self-declaration forms	Contractual obligations	Meeting agenda items	Disclosure of interests
<b>AQA Employees</b>	Permanent	✓	✓		
	Temps	✓	✓		
<b>Associates</b>	Q&M	✓	✓	✓*	
	Operations	✓	✓		
<b>Suppliers</b>	In-house contractors	✓	✓		✓
	Off-site contractors		✓	✓*	✓
	Proofreaders	✓	✓		✓
	Printers	✓	✓		✓
	Companies		✓		✓
<b>Stakeholders</b>				✓	✓

\* consider as a standing agenda item for all development meetings.

## 2.2 Contractual obligations

Ofqual requires that awarding organisations have in place contractual arrangements with all employees and third parties who have access to confidential<sup>3</sup> information. These contractual arrangements must clearly set out obligations for employees and third parties to declare conflicts of interest arising from other activities undertaken.

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

- all instances in which an individual has been or will be a teacher<sup>4</sup>, and/or is employed by a Centre at which, a qualification to which they have access to confidential information, is taught, or delivered
- any personal conflicts eg a child, sibling, or other close family<sup>5</sup> member is due to take an assessment in which the person has access to confidential information
- instances where a partner or other close family member is teaching<sup>5</sup>, or due to teach a qualification in which the person has access to confidential information.

<sup>3</sup>Confidential 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.

<sup>4</sup>Teaching 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.

<sup>5</sup>Defined 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 familiar relationship with whom there is regular contact

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Any teacher involved in the development of confidential assessment materials must inform us of:

- involvement in the preparation of a non-AQA resource or training designed to support Learners for the AQA specification for which they have access to confidential assessment information

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 AQA group are required to complete a Personal Interest declaration each year.

All permanent employees are required to complete a declaration at the start of each academic year. All temporary employees are required to complete a declaration at the start of their contract.

Completed forms must be returned to the Performance Standards team in accordance with the Personal Interest procedural guidance.

Employees within DRS which forms part of the AQA group, have adopted an equivalent process to gather personal interest declarations and manage conflicts in line with this policy.

Doublestruck have no access to confidential assessment information and therefore will not be required to declare personal interests.

### **Associates**

All associates who develop confidential assessment materials are required to complete a Question Paper Production associate declaration. This will be requested prior to the commencement of any new contract(s), and at least once per year.

Completed forms will be held by the Q&M Associate Resource Management (ARM) team in accordance with the relevant guidance for associates on managing Conflicts of Interest.

All associates who undertake marking are required to complete a Personal Interest form. This will be requested prior to the commencement of any new contract(s), and at least once per year.

Completed forms will be held by the Operations Resource Management (RM) in accordance with the relevant guidance for associates on managing Conflicts of Interest.

### **Proofreaders**

All proofreaders (contractors) who review confidential assessment materials are required to complete a Question Paper Production proofreader declaration. This will be requested prior to the commencement of any new contract(s), and at least once per year.

Completed forms will be held by the Q&M Assessment Production team in accordance with the relevant guidance for managing proofreader contracts.

## Suppliers

Sourcing and Supply team identify whether any organisation that works with AQA will have access to confidential assessment materials. Where this is necessary eg secure printers, all employees (with access) are required to complete a self-declaration form which is held on file by the supplier.

### 2.4 Disclosure of interests

Suppliers and stakeholders will be managed using a declaration of interest process. Even if contractors are not on site 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.

For a number of exceptions whereby a supplier will have access to confidential assessment materials, the suppliers will be required to request that all employees (with access) complete the self-declaration form which is then held on file by the supplier.

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

### 2.5 Recording of Conflicts of interests

Ofqual requires that all awarding organisations must establish and maintain an up to date record of all conflicts of interest that relate to it. The information provided by individuals within the personal declaration forms will be held within a central register for each of the following sub-groups:

Group	Record owner
AQA employees – personal interest forms	Performance standards (Russell Spencer)
AQA group (DRS)	Operations (Nikki Bolshaw)
Operations associates (marking and delivery)	Resource Management team (Steve Vear)
Q&M associates (developing assessment and learning materials and training)	Associate Resource Management team (Jacinta Storr)
Suppliers	Sourcing and Supply Management (Martin Bailey)
Proofreaders	Q&M Assessment Production (Andy Rooke)
Stakeholders	Chief Executive's office (Tricia Tebbutt)

The register(s) will hold information required to demonstrate compliance with Ofqual Condition A4 including:

- Name
- Reference number (this will be determined by the system where records are held)
- Indication of whether the individual has access to confidential assessment materials (Y/N)
- If Y a record of which assessment component the individual is contracted to work on
- Declaration of whether a Col exists (Y/N)

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- If Y details of the conflict of interest
  - Date of declaration
  - Non-disclosure – ie any individuals who have not submitted a declaration

In order to ensure compliance with GDPR only data that is required to demonstrate compliance with regulatory Conditions and Guidance will be 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 2 years after the date in which the assessment is sat.

## **2.6 Maintaining an up to date record of all conflicts of interests**

Declarations must be completed at the start of every new appointment or contract or at a minimum of once per year. Where an individual fails to complete and submit a declaration they should be prevented from having access to any confidential assessment materials. It is the responsibility of individuals to notify AQA of any change in circumstances that creates a potential conflict of interest.

## **2.7 Managing declarations where a conflicts 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 could occur. Each business area is responsible for safeguarding the confidentiality of assessments which they manage. Business areas must ensure that processes and procedures are in place that demonstrate compliance with this policy.

## **3. CONFLICTS OF INTEREST WITHIN REGULATED ACTIVITY**

- 3.1 For many of those who work with AQA it is unlikely that a conflict of interest will occur. However given the nature of AQA as an awarding organisation a significant number of employees and third parties may have conflicting interests. Whilst the integrity of those individuals is not challenged, where a potential conflict of interest is identified, AQA and those acting on its behalf must take all reasonable steps to ensure that no conflict of interest has an adverse effect (for example, on: AQA's ability to meet its obligations under the independent regulator's Conditions of Recognition; learners; qualifications; standards and public confidence in qualifications).
- 3.2 Where a potential conflict of interest is identified, it will be the responsibility of the business areas who manage the individual or organisational activity to ensure that appropriate measures are taken to safeguard the confidentiality of assessment materials.

Such measures may include:

- Restriction, or removal, of access to specific or any confidential assessment materials
- Monitoring of system access and user activity
- Reallocation of workloads or responsibility to reduce the risk of inappropriate access to confidential materials
- Statistical monitoring of centre outcomes

## **4. CONFLICTS OF INTEREST BETWEEN REGULATED AND NON-REGULATED ACTIVITY**

- 4.1 Any of AQA's subsidiary business units and any collaborations or joint ventures involving AQA that carry out non-regulated activity are managed at arm's length from the regulated examinations and awarding part of AQA's business. These non-regulated activities retain their

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own, separate management structure, reporting to a Director with overall accountability for their work.

- 4.2 AQA senior management is conscious of the need to maintain a clear distinction between the regulated awarding activity and any other, non-regulated activity carried out by the wider AQA Group and joint ventures involving AQA.
- 4.3 AQA's Chief Executive Officer and the Director of Finance and Corporate Services endorse all major operational and strategic decisions across the wider AQA Group, and can support the identification and management of conflicts of interest across the full breadth of the business.