



Conflicts of Interest Policy

Document Specification:			
Purpose:	To set out the policy and procedure to be followed by the staff, management, directors, contractors and other third parties engaged by NALP to ensure that, wherever possible, Conflicts of Interests are avoided or, where they cannot be avoided, are identified and managed effectively		
Accountability:	NALP Governing Board	Responsibility:	Responsible Officer
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1. Purpose & Scope

The National Association of Licensed Paralegals (NALP) is an awarding organisation recognised and regulated by Ofqual. Everyone involved in the development, delivery, or award of NALP's qualifications has an obligation to behave in such a way that does not give rise to a conflict of interest. The purpose of this policy is to outline the process which must be followed to allow NALP to identify, monitor and manage Conflicts of Interest and any adverse effects arising from Conflicts of Interest and meet its obligations as stipulated by the General Conditions of Recognition (specifically Condition A4) published by Ofqual and amended from time to time.

The aim of this policy is to ensure that NALP is able to:

- Ensure that all reasonable steps are taken to avoid conflicts of interest by providing a system that protects itself and others from criticism and compromise
- Identify cases of conflict of interest and if necessary take appropriate action to minimise or eliminate the potential damage of any adverse effects that could be caused
- Comply with the relevant regulatory and industry requirements

This policy applies to all activities undertaken by NALP, on its behalf, or by a member of its Group in respect of the development, delivery and award of qualifications. For the avoidance of doubt, this includes persons employed directly or indirectly by NALP or its Approved Centres, including contractors and consultants, etc.

2. Data Protection

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018, including, but not limited to, the General Data Protection Regulations. Data will be processed only to ensure that all persons to whom this policy relates act in the best interests of the Learners, the Centres delivering the qualifications and NALP. The information provided will not be used for any other purpose.

3. Definition

A conflict of interest is a situation in which an individual, or organisation, has competing interests or loyalties. These kinds of conflict could result in damage to the integrity and reputation of NALP or negatively affect its ability to comply with its Conditions of Recognition. It also covers conflicts which have, or could have, a negative impact on NALP's approved centres and potentially have an adverse effect on Learners.

Ofqual provides the following definition in its Conditions of Recognition:

A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where –

(a) its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Conditions of Recognition,

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(b) 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, or

(c) an informed and reasonable observer would conclude that either of these situations was the case.

The following are examples of situations that may constitute as a conflict of interest:

- Direct or indirect financial gain
- Direct or indirect benefits such as employment (including as a consultant or in a non-executive position, etc.), sponsorship, gifts, hospitality, services or goods
- Reciprocal arrangements that compromise the ability to make reliable and professional judgements
- Personal interests in, connections to, or family relationships with Learners who are being assessed or moderated
- Teaching learners of NALP qualifications whilst in possession of confidential information regarding the content of the assessments they are going to take
- Situations where commitment, loyalty or integrity is compromised

4. Regulatory Guidance for Managing Potential Conflicts of Interest

Ofqual have issued Guidance to the Condition A4 regarding Conflicts of Interest which set out how awarding organisations should make arrangements to mitigate the risk of any Conflicts of Interest. The Guidance includes that awarding organisations should ensure:

- Contractual arrangements with staff and third parties who have access to confidential information, including the contents of assessment materials and other relevant information about the assessment, clearly set out the obligations and responsibilities of the staff and third parties to manage conflicts arising from other activities they undertake;
- That the contractual arrangements with such staff and third parties require them to give details to the awarding organisation, on an ongoing basis for as long as the relevant assessment information remains confidential, of:
 - All instances in which such a person is, or has been, a Teacher for the relevant qualification, or is employed by a Centre at which that qualification is taught or delivered (even if that person does not themselves teach or deliver the qualification);
 - Any involvement such as person may have, or have had, in the preparation of a resource designed to support the preparation of Learners for assessments for that qualification, such as a textbook for the specification, however this does not apply to individual teaching resources or materials for use exclusively for learners he or she teaches; and

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- All other conflicts of interest including personal conflicts such as:
 - Where a child, sibling, or other close family member is due to take the assessment in relation to which the person has confidential assessment information, and
 - Where a partner or other close family member is teaching, or is due to teach, the relevant qualification:
- That a record of all conflicts is maintained and retains all entries for as long as the relevant assessment information remains confidential or as long as is required to undertake effective monitoring, whichever is the later;
- That all assessments set by staff and third parties who have had any of the above potential conflicts of interest are monitored effectively

NALP ensures that all such staff and third parties are contracted to abide by the policies put in place, including this Conflict of Interest Policy. This is further supported by the requirement for all such staff and third parties to sign a Declaration of Interests form (see Appendix A to this Policy).

5. Conflict of Interest Scenarios

The following are examples of potential conflicts of interest. This list is intended to illustrate the types of situation that would represent a conflict of interest, but is not exhaustive:

- A member of the Governing Board also has a financial interest in a Centre approved by NALP
- A director, partner or staff member of NALP or ones of its Approved Centres participates in a private professional activity, consultancy or secondary employment that conflicts or may conflict with the carrying out of his or her official duties for NALP or the Centre
- Members of the Governing Board or Academic Board are attending an appeal hearing. One of the members becomes aware that they have had an involvement in the case at an earlier stage of proceedings
- An examiner is marking the papers of a Centre in which a close family member has a financial interest
- An examiner marks the papers of a Learner who is a relative or friend of that examiner
- An examiner marking papers is paid according to the results (e.g. either pass or fail)
- During normal sample moderation, the moderator checks the assessment decisions of an examiner with whom they have a personal relationship
- Where an individual performs multiple roles: the additional role performed by an employee may come into conflict with the fulfilment of the responsibilities of each role
- Where an individual, participates in, or has the ability to influence, decisions affecting another person with whom the employee has a family or personal relationship
- A teacher or tutor delivers a NALP qualification for which they have also been involved in the setting of the assessments

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- An assessor of a NALP qualification is involved in the writing of a textbook or other support material for which they have access to confidential assessment material
- A teacher or tutor delivers a NALP qualification for which they have access to confidential assessment materials by way of their position with NALP, e.g. being a member of the Governing Board or Academic Board, etc.

6. Responsibility and Authority

The Governing Board has overall responsibility for ensuring that this policy is implemented fully and correctly. The responsibility for overseeing this on a day to day basis is delegated to the Responsible Officer. All relevant staff and other individuals have a responsibility to be aware of the potential of conflict of interest. Elements of the procedure will be implemented and actioned by other members of staff as delegated by the Governing Board and/or Responsible Officer and may include, but not be limited to the senior management, including the Chief Executive.

6.1. The Governing Board, Academic Board and Senior Management Responsibility

- Senior managers are responsible for communicating the Conflict of Interest Policy to all relevant members of staff as part of their induction and ensuring this is confirmed with them at staff meetings.
- The Responsible Officer is responsible for deciding when and how matters relating to potential or actual conflict of interest are dealt with within the business, including when they are reported to the Governing Board.
- The Academic Board is responsible for ensuring there are no conflicts in respect of the design, development and delivery of qualifications and assessments.
- The Academic Board and Governing Board will liaise with the Responsible Officer in relation to reporting any issues to the regulator.
- The Responsible Officer will begin an investigation of any issues within 24 hours where management of a Conflict of Interest or an adverse effect has been identified. A preliminary report will be made available to the Chief Executive and/or the Governing Board (as appropriate) within 5 working days.
- The Responsible Officer reviews the policy and procedures annually to ensure that the procedures contain mechanisms that allow for the identification, monitoring and management of potential and actual conflicts of interest and their effects. All policies are circulated to the Governing Board for their comment and sign off.
- Where a potential Conflict of Interest has been identified or declared, the Chief Executive and Responsible Officer will consider any risk attached to that potential Conflict and how it might be managed. If it is deemed appropriate by both, the matter will be raised with the Governing Board to gain a consensus on the best approach to take.

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6.2. Individual Responsibility

- a) Every individual within NALP has responsibility for ensuring that they are familiar with the Conflict of Interest Policy and any guidelines.
- b) Where there is a perceived potential or actual conflict of interest, or identification of an Adverse Effect, individual staff members are required to inform the Responsible Officer.

7. Identification of Conflicts of Interest

NALP will carry out continuous monitoring of operations and personnel to ensure that any conflicts of interest in relation either to the organisation's activities or to the activities of personnel working for NALP are identified and mitigated as soon as possible in accordance with the risk register.

To do this, NALP will carry out the following activities:

- a) In the course of its normal operations, NALP senior personnel will monitor that activity taken out by the awarding organisation do not conflict with its core functions. Should any activity be identified it will be flagged to the Chief Executive directly and dealt with at the earliest convenience by the Governing Board.
- b) In relation to identification of potential conflicts of interest in relation to its personnel, NALP will identify potential conflicts of interest as follows:

For all examination writers and producers of assessment and Examiners.

- As part of the applications process for all examining and moderating staff, CVs will be checked by the Senior Examiner to identify any possible conflicts of interest.
- Upon appointment, assessment staff working for NALP are required to sign a form declaring any known or potential conflict of interest. Such conflict may arise between functions within NALP or between their work for NALP and any outside interest, be this financial, familial, activities carried out for other awarding organisations, or for other organisations involved in activities which could be seen as conflicting with those of NALP. These forms are issued and retained by the Chief Executive.

For other personnel:

- On appointment to a Board, members will be expected to declare any conflicts of interest that may, or may possibly be perceived to, prevent them from carrying out their roles with objectivity and to sign the Conflicts of Interest Form (See Appendix A). CVs and other documentation will be checked by the Chief Executive to ensure that there are no potential conflicts of interest which cannot be managed effectively. Board members will be expected to confirm whether there have been any changes to their circumstances which could affect their declaration verbally at each Board meeting. Board members will also be expected to be pro-active in their reporting of any changes which may impact on their Conflict of Interest Declaration, at which point they may be required to complete and sign a new Declaration.
- Similarly, staff working for NALP will be subject to checks via the application process and will be expected to declare any potential conflicts to the Chief Executive.

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- Staff involved in examination writing, assessing or management will be free of direct connection to learning related to the awards; Governing Board members will be expected to maintain a similar distance.

8. Recording and Monitoring of conflicts of interest

In order to ensure that any conflict of interest subsequent to the original signing of the conflicts of interest form is captured, a NALP Register of Interests form (Appendix B) will be maintained and updated as necessary on the appointment of new personnel or changes to the circumstances of existing personnel. This will ensure that any new work undertaken does not conflict with NALP activities.

Any Conflict of Interest not directly relating to personnel or which may lead to an adverse effect on learners or operations will be captured on the NALP Risk Register and treated accordingly. Should any Conflict of Interest result in learners' work being re-marked or in some cases re-assessed or moderated by NALP which will impact on results and certification timescales. Should this be the case or there be any other adverse effect, NALP will inform Ofqual and learners accordingly.

Conflicts of Interest – Appendix A – Declaration

Name:		Position:	
<p>I hereby set out below my interests in accordance with the NALP Conflict of Interest Policy. <i>In your position with NALP you are expected to act in the best interests of NALP. However, inevitably, people have a wide range of interests in private, public and professional life and these interests might, on occasions, conflict. We are obliged to review any possible conflicts so ask you to supply the relevant information in response to the following questions:</i></p>			
<ul style="list-style-type: none"> Has anyone given or offered you gifts or other incentives to you or a close family member of yours, in respect of your position with NALP (excluding those received from NALP)? If so, provide details below: 		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<ul style="list-style-type: none"> Have you, or anyone connected with you, through family, business or charity, an interest with a centre or direct competitor of NALP? If so, provide details below: 		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<ul style="list-style-type: none"> Have you, or any person connected with you, had access to confidential assessment information for a qualification you, or the connected person, also teach or have prepared resources designed to support the preparation of learners, such as a textbook? If so, provide details below: 		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<ul style="list-style-type: none"> Are you employed in any capacity with any other awarding organisation or training organisation which may, however unlikely, be viewed as a conflict of interest to an outside observer? If so, provide details below: 		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<ul style="list-style-type: none"> Are you aware of any other interest that you should declare? If yes, please provide details. 		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<p>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 as soon as any interests or detail supplied above change. Notification of any changes should be provided to the Responsible Officer or Chief Executive for further consideration within 5 days of the changes occurring. I give my consent for the information I supply to be used for the purposes described in the conflicts of interest policy and for no other purpose.</p>			
Signed:		Date:	DD / MM / YYYY

NALP Register of Interests

Organisation	Position	Date advised of interest	Interest disclosed	Nature of potential conflict	Action if required	Review / comments
EXAMPLE						
<i>E.g. ABC organisation</i>	<i>E.g. – Non Executive Director</i>	<i>01/01/2015</i>	<i>Member of the Board of ABC Organisation</i>	<i>ABC Organisation is an Awarding Organisation regulated by Ofqual, however does not operate in the legal sector</i>	<i>None – no direct conflict</i>	<i>N/A</i>