

# Conflicts of Interest Policy

## 1. General

This policy has been established to safeguard the integrity and credibility of the services and functions of Swim England Qualifications (SEQ). In addition, it aims to promote confidence in the objectivity and impartiality of activities.

This policy outlines the intention of SEQ to identify and monitor all potential, or actual, conflicts of interest (Col) that may affect the design, development, delivery and/or assessment and award of our qualifications now or in the foreseeable future.

This policy has also been designed to support our Approved Training Centres (ATCs) in identifying potential, or actual cases, of Col and how to appropriately manage them.

## 2. Purpose

This policy will inform all SEQ staff and other individuals that interact or potentially interact with the Awarding Organisation, including SEQ Board Members and External Consultants. It will also act to provide guidance for SEQ and ATC's and any other relevant individuals, on identifying and handling possible Col that may arise as a result of their roles, as one of either; Key Centre Contact, tutor and /or assessor (Educator), internal verifier or SEQ staff involved in the administration of qualification assessments or results.

This policy also acts to serve as guidance for those who are involved within the design and development with any of SEQ's qualifications, or during the teaching of learning content within any of SEQ's qualifications on behalf of any ATC.

This policy will;

- Draw attention to potential Col situations
- Identify examples of Col
- Establish clear mitigation standards for dealing with Col
- Reduce the possibility of Col in relation to SEQ and its ability to maintain ongoing regulatory compliance
- Provide the means to identify and resolve Col.

## 3. Definition

3.1 For the purpose of this policy, we have adopted the definition used by the regulatory authority, Ofqual, regarding Col.

A Col exists in the following ways:

- Its interests in any activity undertaken by it, on its behalf, or by a member of staff which have the potential to lead it to act contrary to its interests in the development, delivery, and award of qualifications in accordance with the requirements of the regulator's conditions of recognition
- A person who is connected to the development, delivery or award of qualifications at SEQ has interests in any other activity which have the potential to lead that person to act contrary to their interests in that development, delivery or award and impact on our compliance with the requirements set out by the regulator's conditions of recognition

- An informed and reasonable observer would conclude that either of these situations was the case.
- 3.2 A Col is a situation in which an individual in a position of trust, has direct or indirect, professional, or personal interests or loyalties. This includes financial interest, friendship, membership of an association, society, trusteeship and many other kinds of relationships can also sometimes influence judgments (e.g. bias) and give an impression that personal motives are involved. Therefore, such competing interests could make it difficult for individuals to fulfil their duties as it may:
- Impair objectivity, or
  - Create an unfair advantage for any person or organisation, or
  - Place the organisations credibility at risk.
- 3.3 Col can arise if investigating a breach in confidentiality, such as the loss or theft of confidential assessment materials in which SEQ and ATC's must ensure that any investigation is carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in its outcome. Please see GOV039 Investigations policy for further information.
- 3.4 Col can arise in the appeal process. All appeal decisions to be taken by individuals who declare that they have no personal interest in the decision being appealed.
- 3.5 SEQ uses the following terms in which to categorise recorded Col;
- **Actual Conflict of Interest** - arise when there is a direct connection or invested personal interests – family, friendships, financial, or social factors could compromise his or her judgment, decisions, or actions which may influence the performance of those duties.
  - **Perceived Conflict of Interest** - A situation which a reasonable person would consider likely to compromise objectivity
  - **Potential Conflict of Interest** - A situation that could develop into an actual or perceived

## 4. Examples of Conflicts of Interest

Col can arise in many different circumstances and it is therefore not possible to set these out in a comprehensive list. However, below provides contextualised examples with a supporting table providing Col on specific person(s) or roles:

- 4.1 On the first day of a course an educator realises that one of the learners is a friend or a colleague. This must be reported to the Key Centre Contact at the ATC. Mitigating measures could include the learners' assessment to be part of the internal verification sample or appointing an alternative assessor to carry out the practical assessment aspects of the course and mark the written work. This should be reported to SEQ and there may be a need for External Verification.
- 4.2 A SEQ Board Member is connected to a competitor. At each Board meeting, this would need to be declared and appropriate mitigation measures would need to be agreed with the Chair of Board and SEQ Responsible Officer.

The following table is not an exhaustive list, however it provides the types of categories and most common examples of conflicts that should be monitored and / or managed where possible.

SEQ Category Ref	Category	Description Examples (Applicable to SEQ, ATC/Educator or Learner)
1	Personal relations	An individual who has a close personal or familial relationship with a student or a person connected to the learner, within the delivery and / or assessment of a qualification
2	Grading	An Educator / Verifier / invigilator / examiner showing favouritism towards learners (bias), potentially leading to unfair assessment decision practice (internal or external assessment).
3	Gifting	An individual who has a vested interest in the achievement/awarding of the qualification with particular learner(s) on a course, for the purpose of obtaining incentive (Gift) of successful outcome
4	Governance / Committee	An individual who has the potential able to gain an unfair advantage within particular contexts as result of their status / position. Examples (not exhaustive) could include;  a) An external governance / committee member who advises or sits on committees or board groups at other educational institutions.  b) A governance / committee member who has an outside interest in an item on the agenda.  c) A governance / committee member is in a position to judge research material (some of which is in their particular research area) that could be put forward with the potential to gain financially upon its outcome.
5	Recruitment	A staff member (or individual) who would normally be involved in the selection process for a new appointment learns that a close family member is applying for a relevant role.
6	Staff Training	A staff member registered undertaking a recognised qualification and / or training run by own internal employed / contracted training provider / Centre that has the potential to affect a qualification developed by SEQ.
7	Awarding Body/Organisation	Any individual who is connected to the development, delivery or award of qualifications who has interests in any other activity which have the potential to lead that person to act contrary to their interests (bias) that could impact on its compliance
8	Approved Training Centre	Any individual who is connected to the delivery or assessment of qualifications who has interests in any other activity which have the potential to lead that person to act contrary to the intent and / or purpose of the qualification(s)

## 5. SEQ Requirements

- 5.1 SEQ is required to meet a number of obligations relating to Col and must:
- identify and monitor all Col which relate to it, as well as any scenario in which it is reasonably foreseeable that any such Col will arise in the future (Condition A4.1)
  - establish and maintain an up-to-date record of all Col which relate to it (Condition A4.2)
  - take all reasonable steps to ensure no Col which relates to it has an Adverse Effect (Condition A4.3)
  - in any case where a Col nonetheless results in an Adverse Effect, take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it (Condition A4.4)
  - An awarding organisation must take all reasonable steps to identify the risk of the occurrence of any incident which could have an Adverse Effect (Condition A6.1)
  - An awarding organisation must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available (Condition A8.1)
  - Establish, maintain and comply with a written Col policy (Condition A4.7)
  - An awarding organisation must provide Ofqual with all such assistance as it may request for the purpose of undertaking, in accordance with its functions, an investigation into, or other monitoring in relation to, the activities of that awarding organisation (Condition B6.1)
  - Where a Centre undertakes any part of the delivery of a qualification on behalf of an awarding organisation, this condition applies in addition to the requirements in Condition C1, and
  - An awarding organisation must take all reasonable steps to avoid any part of the assessment of a learner (including by way of Centre Assessment Standards Scrutiny) being undertaken by any person who has a personal interest in the result of the assessment (Condition A4.5).
- 5.2 To meet these obligations SEQ recognises that all individuals are entitled to manage their own affairs in privacy, however, when those affairs give rise to actual, perceived or potential conflict with SEQ and its awarding function, attention should be drawn to it.
- 5.3 Swim England is the National Governing Body for the sport of swimming in England and is the overarching organisation comprised of a variety of departments with different functions. SEQ is a distinct brand and department within the wider Swim England organisation and is governed by its own regulations as an approved Awarding Organisation regulated by Ofqual and QiW, with its own Board, as well as those regulations constituted by the NGB.
- 5.4 All SEQ staff, board members and external consultants will complete a Col declaration annually and again immediately prior to engaging in any SEQ activity. If a Col is not known prior to engaging with any SEQ activity, then the person who may have the Col must seek immediate clarification from SEQ.

- 5.5 If the Col occurs as a result of a change of circumstances, this will be recorded on a revised Col declaration form. SEQ will review all declarations and advise appropriate action needed where applicable.
- 5.6 SEQ Board members will confirm any changes in Col quarterly and complete the relevant paperwork associated if any changes occur.
- 5.7 SEQ will monitor, manage and keep records of any Col in line with Data protection and retention of records policies.

## 6. ATC Requirements

SEQ expects an ATC to maintain an effective and active Col policy and procedure. This is to ensure that all those involved in the assessment process are fully aware of their obligations to declare and monitor any Col which may have the potential to put the integrity of our assessments and qualifications at risk. The policy should clearly outline the procedure for dealing with a Col.

### ATC Preparation

Ensure that staff, contractors, tutors / assessors (Educators), internal verifiers and anyone involved in the delivery of the qualification are all familiar with this Col policy and their own Col policy.

### Identifying Conflicts of Interest

- 6.1 When identifying whether a Col exists, an individual should ask themselves whether a private, personal or commercial interest is likely to interfere, or appear to interfere, with their objective judgement in performing his/her duties. If a KCC believes there may be a Col, but is unsure, he/she should assume that there is a conflict and act accordingly. Similarly, if an Educator/IV/other member of staff becomes aware of a possible Col, which the KCC appears not to have considered, he/she should bring it to the KCC's attention for appropriate consideration.
- 6.2 Before registering learners with SEQ, establish whether they are known to the tutors / assessors (Educators), internal verifiers, the Key Centre Contact or anyone involved in the delivery of the qualification
- 6.3 Examine any possible adverse effects that a potential Col could have now or in the foreseeable future.

### Managing Conflicts of Interest

- 6.4 If there are no potential, perceived or actual Col, there is no requirement for action
- 6.5 If there is a potential Col, the Key Centre Contact (KCC) must follow their Col policy recording any actions taken to mitigate the Col to avoid adverse effects and be available for examination by SEQ if requested
- 6.6 Where such a Col has had an adverse effect, the ATC must take all reasonable steps to mitigate the adverse effect as far as possible and correct it

- 6.7 The KCC should make the internal verifier aware of any Col
- 6.8 Notification of a Col will also need to be submitted as part of External Verification samples and included in Centre Reviews.

### Interests in Assessment

- 6.9 The ATC must take all reasonable steps to avoid any part of the assessment of a learner being undertaken by any person who has a personal interest in the result of the assessment
- 6.10 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the ATC must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person, e.g. the internal verifier.

### The Written Conflict of Interest Policy and Record Keeping

- 6.11 Evidence collected through the Col policy and procedure needs to be recorded in a log and monitored, reviewed and assessed using the same quality assurance procedures that your ATC uses for any other policy review
- 6.12 Ensure records of mitigations in relation to Col are kept and are available for examination by SEQ if requested. See Swim England Qualifications Guide to Delivering and Assessing and retention of records policy for further details.

## 7. Quality Assurance and Monitoring

- 7.1 This policy supports the Ofqual General Conditions of Recognition regulatory conditions; A4.1, A4.2, A4.3, A4.4, A4.5, A4.6, A4.7, A4.8, A6.1, A8.1, B6, C2.2, G4.6, A8.2 & I1.2(b)
- 7.2 This policy and its procedures will be reviewed biennially, to ensure it continues to meet our needs and those of our Regulators (Ofqual / Qualification Wales)

#### For Office Purposes

Document Version Number	Comments on Amendments and/or Additions	Department & Published Date	Date for next review
9	Minor rewording, formatting, additional examples of Col and the identification of Col. Additional conditions included. Section 4 has been expanded to include an examples table. Removal of complaints section as this is a standalone policy.	SEQ QA - April 2024	April 2026