

OTHM Conflicts of Interest Policy



1. Purpose

This policy sets out how OTHM identifies, records, prevents and manages Conflicts of Interest (COIs) to ensure that the design, development, delivery, and award of regulated qualifications remain compliant with Ofqual's General Conditions of Recognition, specifically Condition A4: Conflicts of Interest, and related Conditions (A8, B3, B6, C2, G4, I1).

The policy establishes consistent arrangements applied across all regulated activities, including interactions with Centres, staff, contractors, associates, qualification development partners, service providers, and investigators.

2. Scope

This policy applies to:

- All OTHM employees, contractors, associates, consultants and Board members.
- All Centres, satellite sites, sub-contracted delivery partners, and individual centre staff involved in any aspect of qualification delivery, assessment, internal quality assurance or administration.
- All individuals engaged in investigations, audits, monitoring, appeals or decision-making relating to the awarding organisation's regulated qualifications.

4. Definitions

Conflict of Interest exists where:

1. OTHM's interests in any activity may impair its ability to make objective, unbiased decisions relating to the development, delivery, or award of qualifications in compliance with the Conditions of Recognition;
2. An individual's personal, professional, financial or relational interests may impair their ability to make objective, unbiased decisions relating to the awarding organisation's regulated functions; or
3. A reasonable and informed observer would conclude that such an impairment is possible.

Conflicts may be actual, potential, or perceived. All must be recorded, monitored and actively managed. Personal interests may be financial or non-financial and include relationships with family members, close friends, business partners, organisations, clients, employers, and Centres.

5. Examples of Conflicts of Interest

Conflicts include, but are not limited to:

Organisational

- OTHM ownership links to Centres delivering its qualifications.
- Commercial activities (e.g., textbooks, consultancy, training) that may influence qualification or assessment decisions.
- Procurement of services from organisations with which the awarding organisation has financial or governance links.

Individual

- An employee or contractor marking or assessing work of a family member or friend.
- A qualification developer who also works or volunteers in a Centre delivering that qualification.
- Investigators who have personal interest in an outcome (A8).
- Board members or senior employees holding roles in Centres that deliver the awarding organisation's qualifications.
- Staff involved in decisions affecting a company in which they or a relative have a financial interest.

5. Responsibilities

5.1 Awarding Organisation

OTHM will:

- Identify and monitor all COIs and foreseeable COIs (A4.1).
- Maintain an up-to-date Conflicts of Interest Register (A4.2).
- Take all reasonable steps to prevent a COI from having an Adverse Effect (A4.3).
- Where an Adverse Effect occurs, mitigate and correct it (A4.4).
- Ensure individuals with personal interest are not involved in assessment decisions, appeals or investigations (A4.6, I1, A8.3).
- Maintain a written policy and comply with it at all times (A4.7).
- Provide this policy to Ofqual upon request and comply with any modifications required (A4.8).

5.2 Head of Quality Assurance and QA

- Oversee the COI framework and its effectiveness
- Ensure timely escalation, including notifications to Ofqual where required (B3)

5.3 Responsible Officer (RO)

- Report material risks to the Board.
- Oversee escalation of Adverse Events to Ofqual (B3)

5.4 All Staff, Contractors, Associates and Centre Staff

All individuals must:

- Read, understand and comply with this policy annually
- Declare all actual, potential or perceived COIs immediately
- Avoid involvement in decision-making where a COI exists
- Cooperate with monitoring, evidence requests and mitigation actions

6. Declaration of Interests

6.1 Awarding Organisation Staff and Contractors

Individuals must declare:

- Any relationship with a Centre or learner involved with OTHM qualifications
- Any role as a teacher, assessor or internal verifier for any OTHM qualification
- Any commercial, governance or financial link with suppliers or Centres
- Any involvement in development of resources relating to OTHM qualifications
- Any relationship to an individual undertaking an OTHM qualification

Declarations must be submitted using the awarding organisation's COI Declaration Form and renewed annually.

Failure to declare an interest may lead to disciplinary action or termination of contract.

6.2 Centres

The Head of Centre must:

- Maintain a Centre COI Register and ensure it is regularly reviewed
- Ensure declarations are made at registration if staff or close relatives are taking qualifications at the Centre
- Declare any centre-level COIs to OTHM at the first opportunity
- Ensure staff are removed from assessment, IQA or decisions where personal interest exists
- Provide OTHM with records upon request

Records must be retained until all related assessment reviews, appeals, malpractice investigations or complaints are fully concluded.

7. Managing Conflicts

The awarding organisation will apply proportionate mitigation measures, which may include:

- Reassignment of duties
- Removal of an individual from decision-making or assessment activity
- Independent scrutiny of assessment decisions
- Reallocation of investigation or audit responsibilities
- Enhanced monitoring of Centres
- Restriction of access to confidential assessment materials
- Termination of a contract or withdrawal of Centre approval in severe cases

Where a conflict cannot be acceptably managed, the individual will not be permitted to undertake the relevant activity.

8. Conflicts of Interest in Centre Investigations, Complaints and Malpractice

In line with Condition A8, OTHM must ensure that any person conducting an investigation does not have a personal interest in its outcome. See OTHM Malpractice, Maladministration and Investigation Policy for further related information.

8.1 Identification

Before any investigation is commenced (malpractice, maladministration, complaint, centre non-compliance, withdrawal of approval), OTHM will:

- Screen all proposed investigators for COIs
- Assess whether relationships, roles, or interests may compromise objectivity or could be perceived to do so
- Document the assessment in the Investigation Report

8.2 Restrictions

The following individuals must not be involved in any investigation (or their involvement must be appropriately managed):

- Anyone directly implicated or connected to the allegation
- Anyone with close personal or professional relationships with individuals involved
- Centre staff or Heads of Centre who would be materially affected by a finding
- Anyone whose performance-related remuneration might be impacted by the outcome

Where an investigation is Centre-lead, and an investigator without conflict cannot be provided, the awarding organisation will appoint an external investigator.

8.3 Management of COIs during Investigation

Where unavoidable conflicts exist (e.g., in small or specialist centres):

- Additional independent scrutiny will be applied
- Evidence verification will be conducted directly by OTHM
- All decisions will be reviewed by an independent OTHM decision-maker (Head of QA and Accreditation or RO)

8.4 Escalation and Decision-Making

Final investigation outcomes must be approved by an individual with no involvement in the case and no personal interest, in line with A4, A8, and I1.

Where a COI or potential COI was identified during the investigation, OTHM will record:

- How the conflict was mitigated
- Any steps taken to maintain integrity and objectivity

9. Data Protection

Information collected through COI declarations will be processed in accordance with UK GDPR and the Data Protection Act 2018. Data will be used solely for managing COIs and ensuring regulatory compliance.

12. Regulatory References

- **A4:** Conflicts of Interest
- **A8:** Malpractice and Maladministration
- **B3:** Notification to Ofqual of certain events
- **B6:** Cooperation with Ofqual
- **C2:** Arrangements with Centres
- **G4:** Maintaining confidentiality of assessment materials
- **I1:** Appeals process

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