



Conflict of Interest Policy

Definitions

PSA defines a conflict of interest as a set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. Even a perception of competing interests, impaired judgement or undue influence may be damaging to PSA's reputation.

Generally, conflicts might occur if individuals have for example:

- A direct or indirect financial interest
- Non-financial or personal interests
- Competing loyalties between an organisation they owe a primary duty to and/or some other person or entity

The existence of an actual, perceived or potential conflict of interest does not necessarily imply wrongdoing on anyone's part. However, any private, personal or commercial interests which give rise to such a conflict of interest must be recognised, disclosed appropriately and either eliminated or properly managed. Reporting, recording and managing potential conflicts effectively protects staff and can help to generate public trust and confidence.

Examples of Conflicts of Interest

Financial interests

This is where an individual receives or may receive a direct financial benefit from the consequences of the awarding of funding, for example:

- A director, including a non-executive director, or senior employee in an organisation which is doing, or which is likely, in receipt of funding or possibly seeking to obtain funding
- A shareholder (or similar ownership interests), a partner or owner of a private or not-for-profit company which is doing, or which is likely, or possibly seeking to obtain funding

- A management consultant for a business/individual
- In receipt of secondary income from an business/individual
- In receipt of any payments (for example honoraria, one-off payments, day allowances or travel or subsistence) from an organisation possibly seeking to obtain funding

Indirect financial interests

This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above) for example:

- Spouse / partner
- Close relative (e.g., parent, grandparent, child, grandchild or sibling)
- Close friend
- Business partner
- A financial relationship (e.g. pension) with a business/individual seeking to obtain funding

Non-financial professional interest

This is where an individual may obtain a non-financial professional benefit from the consequences of a funding award, such as increasing their professional reputation or status or promoting their professional career. This may, for example, include situations where the individual is:

- An advocate for a particular group or
- A member of a particular specialist professional body

Non-financial personal interests

This is where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit. This could include, for example, where the individual is:

- A voluntary sector champion for business/individual
- A volunteer for business/individual or
- A member of a lobby or pressure group with an interest research or development.

Indirect interests

This is where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a commissioning decision (as those categories are described above) for example, a:

- Spouse / partner
- Close relative (e.g., parent, grandparent, child, grandchild or sibling)
- Close friend
- Business partner

Roles with heightened risk in relation to perceived conflicts of interest

In the list below we have provided some guidance on roles that have a perceived higher risk factor in relation to perceived conflicts of interest. In these roles a form should be filled even if no perceived conflict exists (i.e. a nil return):

- Procurement – particularly those roles responsible for administering tenders, supplier decisions and contract terms
- Grant awards – particularly those administering and supporting grants panels
- Contracting – including those determining contract terms or financial terms, particularly in relation to estates contracts and commercial contracts or
- Board appointments - particularly those in administering and supporting boards

This list should not be perceived as exhaustive, if other specific roles exist that have a perceived higher risk factor then please ensure a declaration is submitted (including nil returns).

Duty

As an employer, Peterborough Skills Academy (PSA) starts from a position of trusting the professionalism of the staff it employs, and this trust underlies any attempt to handle questions which raise potential conflicts of interest.

In order to protect individual staff members and PSA from compromise, it is both necessary and helpful to conform to a policy to deal with Conflicts of Interest.

Guidelines for Staff

Should any member of staff feel they are in a position giving rise to an actual or potential conflict of interest, they must contact their manager as a matter of urgency. Appropriate steps will then be taken to deal with the conflict of interest situation in line with the Conflict of Interest Policy.

In summary, the Conflicts of Interest Policy provides for a three-fold approach:

- Disclose always
- Manage the conflict in most cases
- Prohibit the activity when necessary to protect the public interest or the interests of PSA

The guidelines detail the principles behind the Conflict of Interest Policy and have examples of some of the commoner situations which might arise.

Conflicts of Interest Guidelines

The purpose of these Conflict of Interest Guidelines is:

- To highlight and illustrate examples of potential conflict situations, some of which are not obvious
- To set out examples of activities can be managed (and how they can be managed), and other examples which PSA would consider unmanageable (and therefore cannot allow).

The most important message in the document is that staff should always disclose an activity if they are in doubt about whether it represents a conflict of interest. The Guidelines describe the way in which such disclosure should be made at the time (i.e. before staff engages in the activity).

1. INTRODUCTION

PSA recognises that involvement in commercial activities carries many advantages. These activities can produce positive benefits, but they also have the potential for diverting PSA and its employees from their primary educational missions. For

example, conflicts of interest can arise when the interests of a commercial venture, from which a PSA employee derives direct benefit, differ from the interests and primary obligations of PSA as a whole, or when the commercial venture consumes an undue share of the employee's attention. PSA believes it to be essential that its employees should manage or avoid, and be seen to manage or avoid, such conflicts. Moreover, many funding agencies, in the UK and elsewhere, are now seeking assurance that training providers are properly managing conflicts as a condition of grant funding.

By and large, PSA leaves staff to develop their own balanced 'portfolio' of activity, including external collaborations of one kind or another. However, by engaging in such external activities, employees may place themselves in a difficult position in which an outside interest may conflict, or appear to conflict, with their PSA duties. The employee may then be open to suspicion that decisions they take as a PSA employee are influenced by personal financial interest - even when, as is almost universally the case, the employee is acting with neutrality and complete professional integrity. In other cases, the employee may appear to be engaging in external activities which compete with PSA. In the vast majority of instances, simple disclosure of a potentially conflicting external activity is sufficient to absolve the employee of suspicion. Occasionally PSA may suggest a different way of managing an activity that avoids the conflict of interest. In extreme cases the conflict of interest may be so fundamental and unmanageable that it is necessary to restrict one or other of the employee's conflicting activities.

The full prior disclosure of interests is clearly an important (and in many cases, sufficient) mechanism for the management of conflicts of interest.

This document offers guidelines on PSA's Policy and provides some practical assistance to its employees on how they should manage potential or actual conflicts of interest. This document supplements the Conflict of Interest Regulations.

Whilst this document describes and provides guidelines for many of the situations in which conflicts occur, it is not meant to be exhaustive. The primary obligation rests with the employee to recognise situations in which he or she potentially has a conflict of interest and to disclose and discuss that conflict to their line manager. If you are uncertain how the Conflicts of Interest Policy might affect your activities, please contact your line manager in the first instance.

Within PSA there are two categories of conflict that may arise: personal (those faced by individuals) and institutional (those faced by PSA as an institution). This document addresses personal conflicts.

2. CONFLICT OF INTEREST

"Conflicts of Interest" arise where there is a conflict between the official responsibilities of a person in a position of trust and any other interests the

particular individual may have, e.g. where the individual could be seen to be influencing PSA matters for actual or potential personal benefit. Such a conflict arises, for instance, when a member of staff is in a position to influence, directly or indirectly, PSA business, research or other decisions in ways that could lead to gain for them, their family or others to the detriment of the PSA's integrity and its missions. These are situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an employee's professional judgement in administration, management, instruction, research and other professional activities.

Conflicts of interest may also include "**Conflicts of Commitment**" which exist when the external activities of a member of staff are so substantial or demanding in terms of time and/or attention so as to interfere with their responsibilities to PSA. Conflicts of this type primarily involve questions of obligation and effort but may often be tied to financial remuneration or other inducements and as such may also constitute a conflict of interest.

Conflicts of Financial Interest

Employees have a responsibility to respect and promote the financial interests of PSA. Staff should wherever possible ensure that PSA:

- Receives appropriate financial benefits from the services conducted through PSA
- Receives appropriate financial benefits from the use or commercialisation of its intellectual property
- Receives appropriate financial benefits from the use of other resources and assets, including equipment, technical staff and facilities

Conflicts of Commitment and Loyalty

PSA's employees owe their primary commitment and allegiance to the PSA. Membership of Committees, Boards, Advisory Groups etc (External Appointments) implies an obligation (and sometimes a statutory duty) to act in the best interests of the external body. These duties may conflict with those duties and obligations as employees of the PSA. Where an External Appointment is allowed under the Consultancy Guidelines or otherwise allowed by PSA, this does not absolve the employee from ensuring that he or she continues to give their primary commitment and allegiance to PSA. Managing conflicts of commitment is primarily a matter for individual staff and their line manager.

REMEMBER: THE OVERRIDING PRINCIPLE IS THAT IF IN DOUBT, DISCLOSE.

3. PROCESS OF DISCLOSURE AND REVIEW

The formal process of managing individual instances of actual or potential conflicts of interest is described in detail in the Conflicts of Interest Regulations. In essence, any individual who believes they may have a conflict of interest should consult their line manager.

Conflict of Interest Regulations

1. Purpose

- A conflict of interest is a conflict between the official responsibilities of a person in a position of trust and any other interests the particular individual may have, where the individual could be seen to be influencing PSA matters for actual or potential personal benefit. PSA has no objection in principle to members of staff having outside interests, so long as appropriate regulations on time spent on consultancy, etc., are observed.
- Any action or involvement or interest which may be seen to lead to a conflict of interest should be disclosed where requested and acted upon as appropriate as described in the following paragraphs.
- Full disclosure followed by aggressive monitoring and conflict management is the key to preventing and resolving conflict situations. Full disclosure of relevant information and the establishment of a public record are in the best interest of both the institution and the member of staff. It demonstrates good faith on the part of the employee and protects his or her reputation and that of PSA.
- Disclosure will not necessarily restrict or preclude an employee's activities. In fact, activities that may at first appear questionable may be deemed acceptable and permissible when all facts regarding the activity are examined.

2. Process

- Employees are responsible for disclosing potential conflicts of interest, and/or commitment. Reporting mechanisms for disclosure should begin with the individual's line manager and through them to appropriate Director. In cases where an employee has multiple reporting responsibilities disclosure shall be reported to the primary unit head, and other superiors shall be informed of the disclosure in writing. In all cases the disclosure and its outcome shall be noted.
1. Potential Internal Commercial Conflict of Interest must be handled professionally to ensure there is no wrongdoing (with or without intent). PSA will notify all internal activities to impartial Board Members to audit, evaluate and sample disclosed activities – for example CPD qualifications, Apprenticeships, Technical Training. *This list should not be perceived as exhaustive.*

Said Board (member) will, without prior warning, observe and quality assure processes and procedures to ensure that there has been no favour or short coming in procedures and an auditable document will be produced.

Where a real or potential conflict of interest exists this, together with the agreed outcome, shall be noted on the individual's personnel file. The observer will complete the Quality Assurance Report and Audit Plan for purpose of evidence and record. (See appendix 2: Quality Assurance Report & appendix 3: Audit Plan)

2.2 Consultants to PSA are also required to divulge any personal or family financial holdings or situations that could create a conflict of interest and/or introduce bias into their professional judgement. Such disclosures should be made to PSA, and appropriate determination shall be made on the management of any conflict.

2.3 Disclosure in all cases shall include the type of potential conflict (conflict of interest or commitment), the nature of the activity, a description of all parties involved, the potential financial interests and rewards, possible violations of legal requirements, and any other information which the employee feels necessary to evaluate the disclosure. The line manager shall advise the Board of all disclosures. The Head of Service may also serve as an advisor to staff members who are uncertain regarding the appropriateness of a given activity or management of a given disclosure issue.

2.4 After appropriate evaluation, the line manager may find that a proposed or ongoing consultancy agreement and the employee's personal interests show no conflict or apparent conflict and are acceptable without further review. Conversely, the line manager may determine that a given situation raises some questions of propriety and requires a higher level of review. For each situation, the line manager shall create a written record of his or her determination that the situation either is acceptable, unacceptable, or requires review at a higher level.

2.5 PSA Training commission an external IQA for quality assurance.

3. Evaluating Disclosures

3.1 Those evaluating disclosures at each level of review need a framework for determining the permissibility of activities and for assessing the degree to which disclosed activities may pose risk to the staff member, the institution, and other entities that may be affected. The appendices to this document list sample questions for use in evaluating potential conflicts of interest or commitment. The lists are not exhaustive and other questions related to special circumstances should be added as appropriate.

3.2 When presented with the facts of a given situation, the reviewer must first determine if there is legitimate cause for concern related to the inappropriateness of behaviour or evidence of bias by the professional activities of the staff member. The list of questions in Appendix 1 is suggested for this initial determination.

3.3 If it appears that there is genuine cause for concern, the reviewer must ascertain whether appropriate controls are in place to deal with possible conflicts. Questions the reviewer should ask, as relevant, are listed in Appendix 2 to this document.

3.4 If the reviewer is uncertain as to the correct way in which to deal with a situation, they should refer the matter to the next level of management or consult the appropriate director for advice.

3.5 The consequences of a failure to comply with these regulations will be dealt by the line manager, including where necessary via appropriate disciplinary procedures.

Appendix 1 - *Questions for evaluating potential conflicts of interest*

QUESTIONS FOR EVALUATING POTENTIAL CONFLICTS OF INTEREST

1. Has all relevant information concerning the staff member's activities been acquired (i.e., has there been full disclosure)?
2. Do the staff member's relevant financial interests suggest the potential for conflicts or the appearance of conflicts or bias?
3. Do the staff member's reported external time commitments exceed permissible levels?
4. Is there any indication that the staff member in his or her professional role has improperly favoured any outside entity or appears to have incentive to do so?
5. Has the staff member inappropriately represented PSA to outside entities?
6. Does the staff member appear to be subject to incentives that might lead to conflicts or bias?
7. Is there any indication that obligations to PSA are not being met?
8. Is the staff member involved in a situation that might raise questions of bias, inappropriate use of PSA's assets, or other impropriety?
9. Could the staff member's circumstances represent any possible violation of applicable legal requirements?
10. Do the current engagements of the staff member represent potential conflicts between outside interests (e.g. working on projects simultaneously for competing business entities)?
11. Could the proposed activity withstand public scrutiny?

Appendix 2

CONFLICT OF INTEREST QUALITY ASSURANCE REPORT

Outcomes: **A** – Meet Standard, **B** – Improvement suggested, **C** – Cause for concern

Workplace Observation			
Candidate Name	Questions/ Observations	Comment	Outcome
	Correct PPE and H&S followed?		
	Task/ Unit clear to the apprentice?		
IMI number	Apprentice prepared for observation?		
	Assessor questioning appropriate?		
Course	Apprentice competence demonstrated?		
	Constructive feedback given?		
	Employer engaged and informed?		

Speaking & Listening Observation			
Candidate Name	Questions/ Observations	Comment	Outcome
	3 -5 students present?		
	Task and format made clear by assessor?		
IMI number	Student prepared with notes/presentation?		
	Timings followed and exam environment set up.		
Course	Correct paperwork used		

	Constructive Feedback verbal and documented?		
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Portfolio Check			
Candidate Name	Questions/ Observations	Comment	Outcome
	Apprentice Access to online Portfolio and VLE?		
	Units are selected relevant to workplace?		
IMI number	Good evidence of student engagement and work?		
	Good evidence of assessor marking and feedback		
Course	Photo evidence or job cards to support work?		
	Standard compared to 2 other candidates?		

Centre Name:	Peterborough Skills Academy 000645	Auditors Name:	Graham Smith	Plan Period	Feb - April 2020
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Appendix 3

Candidate's Surname	Candidate's Surname	Candidate's Registration No	Employer Site	Assessor or Staff Initial	Planned IQA Sampling Activities (Circle as appropriate)						Planned Date	Actual Date	COI Report No	Auditor's Signature
					W	S&I	P	IC	P	OL				
Leandro	Lima		LOP	RH	W	S&I	P	IC	P	OL	Feb 2020			
Donatas	Kontrim		LOP	RH	W	S&I	P	IC	P	OL	Feb 2020			
Jonatha	Proffit		PNR	RH	W	S&I	P	IC	P	OL	Feb 2020			
Filipe	Lopes		PNR	RH	W	S&I	P	IC	P	OL	Feb 2020			
Mateusz	Ignas		LOP	RH	W	S&I	P	IC	P	OL	Feb 2020			
Alexand	Barnhur		PSP	RH	W	S&I	P	IC	P	OL	Feb 2020			
Roxanne	Clarke-		PSP	RPM	W	S&I	P	IC	P	OL	Mar 2020			
Liam	Freear		PGR	LS	W	S&I	P	IC	P	OL	Mar 2020			
Kye	Williams		MOP	LS	W	S&I	P	IC	P	OL	Mar 2020			
Tommy	Yates		PPB	LS	W	S&I	P	IC	P	OL	Mar 2020			
Harry	Englefiel		PSA	RPM	W	S&I	P	IC	P	OL	Mar 2020			
Elizabet	Howarth		PSA	RPM	W	S&I	P	IC	P	OL	Mar 2020			
Darren	Howard		PNR	RH	W	S&I	P	IC	P	OL	Apr 2020			
Damien	Acott		PNR	RH	W	S&I	P	IC	P	OL	Apr 2020			

Michael	Sammon		PNR	RH	W O	S& L	P C	IC	P A	OL T	Apr 2020		
Nathan	Pooley		PKL	RH	W O	S& L	P C	IC	P A	OL T	Apr 2020		

WO = Workplace Observation (accompanied) S&L = Speaking & Listening : PC = Portfolio Check (work submitted & feedback) : IC = Interview Candidate : PA = Paperwork Audit : OLT = On-line Tests observe

Centre Name:		Peterborough Skills Academy 000645			Auditors Name:		Graham Smith			Plan Period		May – June 2020	
Candidate's Surname	Candidate's Surname	Candidate's Registration No	Employ Site	Assessor Staff Initial	Planned IQA Sampling Activities (Circle as appropriate)					Planned Date	Actual Date	COI Report	Auditor's Signature
					W O	S & L	P C	IC	P A				
Sebastia	Kulkarni		PKL	RH	W O	S & L	P C	IC	P A	OL T			
Luke	Haynes		LOP	LS	W O	S & L	P C	IC	P A	OL T			
Moham	Sadiq		PPB	RPM	W O	S & L	P C	IC	P A	OL T			
Rachael	Pearce-		PSA	KF	W O	S & L	P C	IC	P A	OL T			
Cameron	McDonal		MOP	LS	W O	S & L	P C	IC	P A	OL T			
Josh	Nicholso		PNR	RPM	W O	S & L	P C	IC	P A	OL T			
Daniel	Bonham		PNR	RPM	W O	S & L	P C	IC	P A	OL T			
Christop	Gale		LOP	RPM	W O	S & L	P C	IC	P A	OL T			
Bradley	Graham		LOP	RPM	W O	S & L	P C	IC	P A	OL T			
Marius	Domkus		LOP	LS	W O	S & L	P C	IC	P A	OL T			
Harry	Barker		PSP	RPM	W O	S & L	P C	IC	P A	OL T			
Brandon	Donalds		PPB	RH	W O	S & L	P C	IC	P A	OL T			
William	Brown		LOP	LS	W O	S & L	P C	IC	P A	OL T			
David	Emery		LOP	RH	W O	S & L	P C	IC	P A	OL T			
Jack	Blades		LOP	RH	W O	S & L	P C	IC	P A	OL T			
Laurence	Elleray		LOP	RH	W O	S & L	P C	IC	P A	OL T			

WO = Workplace Observation (accompanied) S&L = Speaking & Listening : PC = Portfolio Check (work submitted & feedback) : IC = Interview Candidate : PA = Paperwork Audit : OLT = On-line Tests observed

Centre Name:		Peterborough Skills Academy 000645			Auditors Name:		Graham Smith			Plan Period		July - Sept 2020	
Candidate's Surname	Candidate's Surname	Candidate's Registration No	Employ Site	Assessor Staff Initial	Planned IQA Sampling Activities (Circle as appropriate)					Planned Date	Actual Date	COI Report	Auditor's Signature
					W O	S & L	P C	IC	P A				
Sophie	Peel		LOP	RH	W O	S & L	P C	IC	P A	OL T			
Siobhan	Whincup		MOP	RPM	W O	S & L	P C	IC	P A	OL T			
Harry	Nicholso		PGR	RH	W O	S & L	P C	IC	P A	OL T			
Joshua	Aley		PGR	RPM	W O	S & L	P C	IC	P A	OL T			
Erik	Nyberg		PNR	LS	W O	S & L	P C	IC	P A	OL T			
Craig	Vargerso		PNR	RPM	W O	S & L	P C	IC	P A	OL T			
Rui	Oliveira		PGR	RH	W O	S & L	P C	IC	P A	OL T			
Przemysl	Zbacki		PGR	RH	W O	S & L	P C	IC	P A	OL T			
Ryan	Kirk		PGR	RH	W O	S & L	P C	IC	P A	OL T			

Nathan	Gray		PGR	RH	W O	S &	P C	IC	P A	O LT				
Owen	Kelly		PGR	LS	W O	S &	P C	IC	P A	O LT				
Jordan	Hollingw ood		PGR	LS	W O	S &	P C	IC	P A	O LT				
Stephen	Dove		PGR	LS	W O	S &	P C	IC	P A	O LT				
Krzysztof	Rak		PGR	LS	W O	S &	P C	IC	P A	O LT				
Steven	Do n		PPB	LS	W O	S &	P C	IC	P A	O LT				
Mantas	Lekstutis		LOP	LS	W O	S &	P C	IC	P A	O LT				

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