CONFLICT OF INTEREST POLICY

1. Statement

Conflicts of interest arise when decisions are influenced, or appear to be influenced, by personal or professional interests. A conflict of interest occurs when an individual or organisation is involved in multiple interests, one of which could possibly corrupt the motivation for an act in the other.

This policy applies to all Beyond the Bark Ltd. (BTB hereafter) employees, as well as "sub-contractors" acting on behalf of BTB through a third-party arrangement; this may be for paid or unpaid work. Sub-contractors include external quality assurers, instructors, assessors, internal quality assurers and those involved in training and qualification development, authors, consultants, committee or Board members.

BTB employees, as well as a "sub-contractor" acting on behalf of BTB through a third-party arrangement have an obligation to:

- To act in the best interests of BTB
- Declare any personal or business interests which may conflict with their responsibilities
- To ensure a conflict of interest will be recorded and reported outlining the nature and extent of the conflict and actions taken to manage the conflict
- Not misuse official positions or information acquired in official duties to further private interests or those of others if they are responsible for money or financial matters, directly or indirectly, or in handling contract
- Perform duties fairly and impartially and that decisions are not affected by self-interest and/or personal gain
- Take personal responsibility for actions
- Never hide or ignore a conflict of interest or gain personally from an opportunity encountered
- Report all conflicts of interests that cannot be avoided and for persons to participate in their resolution or management

Having a conflict of interest is sometimes unavoidable and persons or companies will not be adversely treated just for having a conflict of interest, unless conduct in dealing with it is corrupt, criminal or otherwise demonstrates lack of integrity.

Action should only be considered where an individual or sub-contractor:

- Fails to identify a conflict (where they are reasonably expected to identify)
- Fails to avoid a conflict that could have been avoided
- Fails to report an unavoidable conflict
- Acts on a conflict to benefit their personal or private interests
- Fails to cooperate in the management of a conflict
- Fails to comply with the policy

The risks associated with conflicts cannot always be eliminated. BTB operates a risk register that captures and minimises risks to an acceptable level. The risk register is monitored on a regular basis.

2. Principles

- **Employee ownership:** Disclosing a conflict, or updating the disclosure as things change over time, is every employee's and sub-contractors' responsibility.
- **Compliance oversight and objectivity:** The role of compliance is the responsibility of the Director of BTB who is the guardian of the conflict of interest program, ensuring independent and consistent reviews and responses.
- **System of record:** BTB maintains a register of conflict of interest declarations for employees and sub-contractors this also includes a declaration where no conflict of interest exists.
- **Clear communication:** BTB encourages employees and sub-contractors that disclosing conflicts is the best solution so it can be managed and transparent.

3. Policy

The policy outlines:

- The meaning of a conflict of interest
- Identifies the conceivable areas where a perceived or real conflict of interest is a possibility
- Communicates the responsibilities for identifying, managing and documenting real or perceived conflicts of interest

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of BTB. Such conflicts may create problems that can:

- Inhibit free discussion
- Result in decisions or actions that are not in the interests of BTB
- Risk the impression that BTB has acted improperly

Types of conflicts of interest

There are three main types of conflicts of interest: actual, perceived and potential. Each of these presents the same personal and organisational risks and therefore need to be managed appropriately. If you are unsure if a conflict exists, you should discuss the matter with a BTB Director.

- **Actual conflict of interest** where a conflict exists between your responsibilities and your private interests
- **Perceived conflict of interest** Where it could be seen by others that your private interests could improperly interfere with or influence your responsibilities, whether or not this is in fact the case
- **Potential conflict of interest** where your private interests could interfere with or influence your responsibilities in the future.

Assessing your situation

Conflicts of interest can arise in a variety of circumstances. In assessing whether you have a conflict of interest there are a number of factors about your private interests you need to

consider. It is impossible to list every potential conflict of interest relating to BTB activity. Some examples include where an employee or sub-contractor:

- Has a position of authority in one organisation that conflicts with his or her interests in another organisation
- Carries out work on BTB behalf, but may have personal interests (paid or unpaid) in another business which either uses BTB products or services, or produces similar products
- Secondary employment which is perceived as a conflict of interest with BTB activity
- Makes a media comment that is perceived as a conflict of interest
- Makes a public comment that is perceived as a conflict of interest
- Makes an endorsement that is perceived as a conflict of interest
- Releases information to third parties and is perceived as a conflict of interest
- Provides a character reference that results in a conflict of interest
- Influences part of the selection and recruitment process that is perceived as a conflict of interest
- Has an interest in a family or private business
- Has a secondary employment commitment
- Has associations with, or obligations to, for profit and non-profit organisations and associations in a personal or professional capacity or through relationships with people living in the same household
- Has directorships of other companies
- Is a director who is also an examiner or provider
- Has close relatives which may conflict with their status as a director, examiner, assessor, instructor, quality assurer, verifier, member of staff
- Enters into a financial or operational agreement with an organisation or individual in which there is a vested interest
- Where the interests associated with one role conflict with those of another role (e.g. a person working for two competing organisations)
- Has purchased goods or services from a relative of an individual or a company controlled by a relative
- Accepts gifts from others to promote their interests within the organisation

- Involved in development, delivery and awarding of training, qualifications, trailblazer/apprenticeship assessments

BTB is committed to identifying, managing, recording and, where relevant, disclosing actual, perceived or potential conflicts of interests. The aim of this policy is to protect both the organisation and the individuals involved from any real or perceived or potential impropriety.

4. Responsibilities

Managing conflicts of interest is a shared responsibility that requires BTB to work together with employees and sub-contractors involved with any activity connected with BTB resources and services, to identify and implement solutions to resolve any conflicts. All employees and sub-contractors who carry out services for BTB whether paid or unpaid will strive to avoid any conflict of interest. A failure of either party to appropriately contribute to the management of a conflict of interest is a potential misconduct issue that may result in management action, including removal /dismissal from BTB

To manage conflicts of interest effectively BTB will:

- Provide advice and guidance when a conflict of interest is identified
- On receiving a disclosure of a conflict of interest, **record** the conflict of interest and make appropriate enquiries to allow a thorough risk assessment to occur
- **Assess** the risks associated with the conflict of interest
- Consult with the individual involved and **identify** solutions appropriate to the risk level
- **Manage** the conflict of interest with the cooperation of the individual involved
- **Monitor** the conflict of interest for the individual, or until it is resolved

Under company law a connected person includes the following:

- Family members (including spouse or civil partner)
- Corporate bodies committee members of a trust
- Business partner. It is unlikely that conflicts of interest can be completely avoided but the conflict should be managed to avoid any adverse effect on the organisation and to promote maximum accountability and transparency in the organisation's affairs.

5. Individual Procedure

5.1. Identify

While it remains the responsibility of the individual to identify conflicts of interest, other circumstances may lead to the identification of a conflict of interest including:

- Complaint investigations
- Information from colleagues
- Other sources

If a conflict of interest is not self-reported by an individual and comes to the attention of BTB by other means, consideration should be given as to why they did not self-report and whether it is reasonable to expect that they should have.

5.2. Avoid

You are required to take reasonable steps to avoid conflicts of interest where possible, this includes:

- Abstaining from involvement in official decisions and actions that could be compromised by your personal interests, affiliations and associations
- Avoiding activities where you could be seen to accrue an advantage from inside information because of your duties
- Not using your position for your own personal gain or the gain of others close to you
- Ensuring that there can be no real or perceived benefit that may influence the performance of your duties
- Not taking advantage of your position or access to privileged information

5.3. Report

Where a conflict of interest cannot be avoided you must report the conflict by raising a disclosure to BTB

5.4. Manage

Once you have reported a conflict of interest the risk is shared with BTB, BTB will work with you to identify and implement an appropriate solution for dealing with the conflict.

5.5. Monitor

Monitoring the conflict is essential to ensure that any changes are accounted for and dealt with.

Even if you have already reported a conflict of interest and think it has been resolved you might find circumstances where the conflict arises again or affects you in another way. If there are any changes or the conflict arises again you must report the conflict again to ensure that it is resolved appropriately.

6. Management Procedure

6.1. Record

Conflict of interest disclosure is raised to BTB

6.2. Assess

BTB undertakes a risk assessment of the disclosure and in doing so, they consider the likelihood and consequence of the:

- reliability of the source and validity of information
- recent contact or involvement with the conflict of interest
- location and nature
- previous issues regarding integrity and conduct of the individual
- reputation of BTB
- frequency, method and type of contact
- willingness to report and acknowledge the conflict of interest

6.3. Identify

BTB identifies if the disclosure is cleared with conditions or no conditions.

6.4. Manage

The disclosure is managed and controlled through the BTB risk register.

BTB will identify and implement an appropriate management solution for dealing with the conflict by applying either a restricted or relinquished action.

6.5. Monitor

The disclosure is monitored by BTB. Monitoring the conflict is essential to ensure that any changes are accounted for and dealt with.

- All potential conflicts of interest are recorded
- Any potential high-risk conflicts of interest are identified on BTB risk register and elevated to the Board
- Control measures are listed against each risk identified
- Monitoring of conflicts is continuous
- The conflict of interest policy is reviewed and updated annually

7. Declaration of Conflicts of Interest

BTB employees, as well as “sub-contractors” acting on behalf of BTB through a third-party arrangement have an obligation to declare any conflicts of interests at the earliest opportunity and withdraw from any subsequent discussion or activity. The same applies if you face a conflict for any other reason. You may, however, participate in discussions from which you may indirectly benefit, for example where the benefits are universal to all, or where your benefit is minimal.

Any gifts or hospitality received in connection with BTB activity must be declared to BTB.

Gifts and hospitality:

- All gifts and hospitality should be declared and recorded
- The information recorded should include its estimated value, the date on which it was received, who it was given by and the reason for the gift
- Gifts and hospitality should never be solicited
- Gifts and hospitality with a nominal value for example, flowers, chocolates can be accepted but only if the gifts are not given or received with an expectation that there is an obligation owed as a result of the gift
- If a gift is received that exceeds the nominal value, the gift should be returned to the sender, the market price should be paid or the gift should be donated to a charitable organisation
- Gifts and hospitality intended to influence organisational decision making should NEVER be accepted.

All Individuals employed or contracted by BTB must raise a declaration whether it holds a disclosure or nothing to declare.

8. Example of Conflicts of Interest Actions

BTB takes all reasonable steps to make sure that no conflicts of interest have an adverse effect and/or that such effects are mitigated as far as possible. When a disclosure is raised BTB will apply either a restricted or relinquished action.

Restrict action is most appropriately applied when the employee or sub-contractor can be effectively separated from parts of an activity or process including restricting the:

- Involvement in critical criteria setting or decision making
- Involvement in debate on related issues
- Involvement in discussion of affected proposals or operational plans
- Involvement in operations
- Involvement in the development of qualifications
- Involvement in the development of assessment

- Involvement in the development of materials
- Access to information and confidential information
- Board or committee members with a conflict of interest who will abstain from casting a vote that may cause a material gain for that particular member or a company that they have a vested interest in.

Relinquish action is a very effective management solution that involves the relinquishing of the personal interest(s) that gives rise to the conflict. Depending on the nature of the conflict, this option might involve:

- Relinquish relationship with a person, organisation or group
- Gifts are given to charitable organisation
- Remove status of sub-contractor
- Remove contractual status
- Disciplinary action of employee

Example of conflicts	Action
Has a position of authority in one organisation that conflicts with his or her interests in another organisation	Restrict action
Carries out work on BTB behalf, but may have personal interests (paid or unpaid) in another business which either uses BTB products or services, or produces similar products	Restricted or Relinquish action
Secondary employment which is perceived as a conflict of interest	Restricted or Relinquish action
Makes a media comment that is perceived as a conflict of interest	Relinquish action
Makes a public comment that is perceived as a conflict of interest	Relinquish action
Makes an endorsement that is perceived as a conflict of interest	Relinquish action
Release information to third parties and is perceived as a conflict of interest	Relinquish action
Provides a character reference that results in a conflict of interest	Relinquish action

Influences part of the selection and recruitment process that is perceived as a conflict of interest	Relinquish action
Has an interest in a family or private business	Restrict action
Has a secondary employment commitment	Restrict action
Has associations with, or obligations to, for profit and non-profit organisations and associations in a personal or professional capacity or through relationships with people living in the same household	Restrict action
Has directorships of other companies	Restrict action
Is a director who is also an examiner, assessor, instructor	Restrict action
Has close relatives which may conflict with their status as a director, examiner, assessor, instructor	Restrict action
Enters into a financial or operational agreement with an organisation or individual in which there is a vested interest	Restrict action
Interests of one job held by an individual contradicts another job held by that same individual (e.g. a person working for two competing organisations)	Restrict action
Has purchased goods or services from a relative of an individual or a company controlled by a relative	Restrict action
Accepts gifts from others to promote their interests within the organisation	Relinquish action
Members of the board, committee members, may unjustifiably influence decisions as to warrant a personnel or commercial gain	Restrict action
Involved in development, delivery and awarding of training qualifications and/or trailblazer/apprenticeship assessments	Restricted action
Quality Assurance staff that have a part to play in the design of assessments and fail to highlight issues relating to the delivery of the assessment	Relinquish action
The designers of assessment disclosing confidential information about assessment to unofficial person/s and/or organisations	Restricted action
Assessors/instructor being impartial in the assessment of the learner and no vested interest in the outcome of the assessment	Restricted action

Where an individual has personal interests that conflict with BTB training or qualifications	Restricted action
Where an individual is writing training or assessments for BTB and works for a provider who delivers BTB training or qualifications	Restricted action
An assessment and internal quality assurance activity is undertaken by the same person	Restricted action
Where an individual is internally marking assessments of a learner who is a friend or relative	Restricted action
Where an individual carries out work on BTB behalf, but may have personal interests (paid or unpaid) in another business which uses BTB training or qualifications	Restricted action

9. Adverse Effect

BTB will take all reasonable steps to prevent any potential adverse effect to any incident that may arise. Where an incident brings the outcome of other results into serious question this would be considered a potential 'adverse effect' as other learners may be affected.

An act, omission, event, incident, or circumstance has an adverse effect if it: -

- Gives rise to prejudice to learners or potential learners or
- Adversely effects;
    - The ability of BTB to undertake the development delivery or award of the training or qualifications
    - The standards of the training or qualifications
    - Public confidence in the training or qualifications

BTB will mitigate risks that have the potential to cause an adverse effect to learners. All incidents will be logged and maintained on the BTB risk register to ensure the issue is highlighted, managed and mitigated against.

BTB will inform where appropriate any conflict of interest and adverse effects to the appropriate relevant parties including Awarding Organisation, Accrediting Body or Regulator. Contact details for a regulator or a regulated Awarding Organisation can be obtained from the following regulators website.

- SQA Accreditation http://accreditation.sqa.org.uk/accreditation/home
- Ofqual https://www.gov.uk/government/organisations/ofqual
- Qualification Wales http://qualificationswales.org/splash?orig=/

Notification to External Parties of an Adverse Effect (Example Form)

Title of notification:			
Raised by:		**Date Raised:**	
Details of notification or adverse effect:			
Summary of change or adverse effect:			
Impact Analysis:			
Implications and relationships			

Title of notification:	

Details of consultation internal and external stakeholders

(Enter details of the consultation that has taken place to ensure that all parties have been consulted)

Internal approval and level of priority:	
☐	Priority 1 = Mission critical problem resolution, immediate response required 1-2 weeks
☐	Priority 2 = High importance, no workaround -1 month
☐	Priority 3 = Important, workaround is available – 1-3 months
☐	Priority 4 = Low importance – 3 -6 months' plus

Authorised Signature:	**Business Deadline:**	**Date:**

This policy is reviewed regularly and updated annually or as and when required.