



# Conflict of Interest, Confidentiality and Suitability Policy

## Scope of the Policy

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This policy aims to ensure the successful management of conflicts of interest, or potential conflicts of interest, which may arise specifically from any aspect of ABE assessment activities. All employees, consultants and contractors must adhere to this policy.

## Definition of Conflict of Interest

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Ofqual provide a definition of conflict of interest in its Conditions of Recognition A4.1. ABE's own definition builds on but widens the definition to also refer to the best interests of ABE.

ABE considers a conflict of interest exists where:

- An activity undertaken by a member of staff, Board, Committee or other Contractor, for or on behalf of ABE has the potential to lead the individual to act contrary to ABE's interests in the development, delivery and award of qualifications, in accordance with its Conditions of Recognition and in the best interests of ABE.
- Any 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 and in the best interests of ABE.
- An informed and reasonable observer would conclude that either of these situations was the case.

The aim of this policy is to try to prevent any appearance of impropriety and to ensure ABE is compliant with Ofqual Condition of Recognition A4 'Conflicts of Interest'.

## The Declaration of Interests

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ABE requires all Board and Committee Members, Staff, Examiners, Markers, Moderators, Regional Directors, Area Managers and any other Contractors to declare any interests (whether paid or unpaid) which may be of interest to ABE.

A declaration of interest form is provided at the end of this document and presented at the beginning of any association with ABE. Declarations of conflicts of interests will also be sought at the beginning of all Board, Committee and management meetings.

It is the responsibility of the recipient to ensure an updated declaration of interest form is provided should those interests change, or new conflicts of interest arise.

If you are not sure what to declare, or whether/when your declaration needs to be updated this can be discussed with either your Head of Department/relevant Director.

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 2018 and this information will only be disclosed to ABE personnel and its regulators on request.

A declaration of conflict of interest may be made by a third party.

## Specific Conflict of Interests

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### Assessment Decisions

You should not be involved in any actions or decisions in relation to a learner's assessment with which you have a personal interest as to the outcome. You should declare your interest at the earliest opportunity and withdraw from any subsequent action, decision or involvement in the assessment process until authorised to continue.

Examiners, Markers and Moderators must declare immediately any personal interest in the outcome of an assessment of a learner and take all reasonable steps to refrain from any related activities until the conflict has been resolved.



will take all reasonable steps to ensure any conflict of interest is mitigated, e.g. by ensuring scrutiny of the assessment by another person.

### ***Board and Committee Decisions***

In the event of having to make a decision in which a Board, Committee member or member of staff has an interest, all decisions will be made by vote, with a simple majority required. A quorum must be present for the discussion and decision; interested parties will not be counted when deciding whether the meeting is quorate.

Board and Committee members may not vote on matters affecting their own interests.

All decisions under a conflict of interest will be recorded by the Chair and reported in the minutes of the meeting. The report will record:

- the nature and extent of the conflict;
- an outline of the discussion;
- the actions taken to manage and mitigate the conflict.

Where a Board member benefits from the decision, this will be recorded in the minutes.

### ***Management and Staff***

Where a member of staff is connected to a party involved in the supply of a service or product to ABE, this information should be fully disclosed to their Line Manager. The Line Manager will then ensure appropriate actions are taken to manage and mitigate any conflict of interest and this will include exclusion from being involved in managing, monitoring and financial transactions for the contract in which you have an interest.

Where a member of staff has a personal interest in the outcome of an assessment then the same conditions will apply as per the previous section 'Assessment Decisions'.

### ***Confidentiality***

The expression 'Confidential Information' shall mean all information which is specific to the business of ABE, its qualifications and/or assessments, customers or other respective business affairs, whether communicated or supplied directly or indirectly, orally, visually, written or any other form and shall include all information relating to ABE, of which another party becomes aware by reason of this a contract or agreement or the performance of its business.

Confidential Information includes any and all information relating to the business of ABE, its qualifications, assessment and customers, e.g.

- Technical information
- Information relating to assessments (examination papers, assignment briefs, mark schemes, exemplar answers etc.).
- Customer data
- Artwork, design/origination
- Product/Qualification specifications
- New business areas e.g. new products, new customers, new market data
- Business and financial information
- Marketing information
- Pricing and cost details
- Any other information relating to the business of ABE or its associated companies.

ABE and their suppliers, staff and contractors shall:

- Not without the prior consent of the other use any part of the Confidential Information
- Not without the prior written consent of the other copy, reproduce or reduce to writing any part of the Confidential Information
- Not without the prior written consent of the other disclose to any person any part of the Confidential Information other than to its directors and employees who need to know the Confidential Information in pursuance of its business
- Apply to it no lesser security measures and degree of care which it applies to its own confidential information or proprietary information.



# Conflict of interest disclosure form

Name: Click or tap here to enter text.

Role ☐ Employee  
☐ Regional Director  
☐ Country Manager  
☐ Other (Please specify) Click or tap here to enter text.

Please answer the following questions:	Yes	No
1. Is there any relationship, either internal or external, which you feel could cause potential or apparent conflict of interest with your ABE activities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Do you have outside activities that involve ABE learners?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. To your knowledge, do you or any member of your immediate family have a significant or influential relationship with (or a financial interest when aggregated for your immediate family in): <ul style="list-style-type: none"><li>A third party, whose actions you are in a position to influence, which does business with ABE?</li><li>Any other business in which there could be a conflict of interest?</li></ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Are you aware of any other circumstances that could constitute a conflict of interest with your position within ABE?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

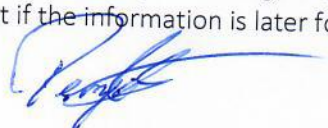
If you have answered 'Yes' to any of the questions above or you are aware of any other conflict of interest within your position please give full details below:

To be completed by the Employee	To be completed by ABE staff		
Description of Conflict (please include details of any Centre or Candidate related to the conflict)	Actual/ Potential Adverse Effect	Risk Assessment	Mitigating Actions
n/a			



I acknowledge that I have read and understood the ABE policy on Conflict of Interest. I confirm that this form has been completed to the best of my knowledge and that the information contained on this form is true and correct. I understand that if the information is later found to be false I may be subject to disciplinary proceedings.

Signed:

  
OR PERRY POLAR (AMS Representative)

Date:

Click or tap to enter a date. 17<sup>th</sup> April, 2024

*To be completed by the Director of Quality, Risk & Standards:*

Date received: Click or tap to enter a date.

Date actioned: Click or tap to enter a date.

I confirm that the actions outlined above have been completed and this conflict of interest has been noted, reviewed and mitigated as much as is reasonably possible.

Signed:

