



CIPD Conflict of interest policy

Introduction

As a recognised Awarding Organisation, CIPD is subject to Regulatory scrutiny by Ofqual¹ and Qualifications Wales. Under Ofqual's and Qualifications Wales' General Conditions of Recognition (GCR) Condition A4 there is a requirement for recognised awarding organisations to have a written conflict of interest policy.

Conflicts of interests are taken seriously by the CIPD - failure to do so could:

- risk the integrity of CIPD qualifications
- affect credibility and professionalism
- potentially affect candidates
- breach commercial confidentiality
- give rise to claims of unfairness or even litigation
- affect contracting capability and give rise to difficulty in offering quality assurance roles, centre and work allocation and service level reviews.

This policy sets out some principles of the approach that the CIPD takes in this area, and confirms how this is intended to be used and applied.

What is a conflict of interest?

A conflict of interest is where:

- a person is engaged within a role involved with the accreditation of a centre or candidate, and that person has some other degree of involvement in the process, directly or indirectly, that might compromise confidentiality, give unfair commercial advantage, or threaten the integrity of CIPD qualifications and professional membership.
- a person has links with one or more centres that would constitute a conflict of interest including personal, academic/business and financial interest.

All parties involved with the process for accreditation of centres and candidates must be able to demonstrate their full independence.

Who is affected?

Everyone involved in advising, assessing, verifying or managing CIPD qualifications and routes to membership is affected.

In particular, this applies to centre owners, management, staff and associates; CIPD quality assurance panel chairs and members; external, regional and chief verifiers and moderators; chief and associate examiners and markers; CIPD quality assurance staff.

¹ Office of Qualifications and Examinations Regulation

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Criteria used by the CIPD

Drawn from the definition, the CIPD bases conflict of interest decisions on the following indicative criteria:

- demonstrable independence:
 - factual
 - conduct
- roles and responsibilities:
 - positions held
 - nature of contract
 - type of involvement
 - degree of involvement
 - nature of conflict (direct/indirect)
- commercial advantage:
 - potential
 - actual
- confidentiality and discretion.

Process for declaring and checking conflict of interests

It's essential that all those involved in the CIPD accreditation processes declare any potential for a conflict of interests at the point of centre approval, application or renewal of a CIPD quality assurance role and when a conflict arises during the period of approval or contract.

Factual

1. On centre approval, or application or appointment to a CIPD quality assurance role:
 - The CIPD expects there to be appropriate independence of organisational ownership from the exercise of academic authority, to ensure the distinction between the academic function and other functions within the organisation is managed to avoid any conflicts of interest, barriers to access or restrictive practices and to maintain the integrity of qualifications
 - The CIPD expects that applications for any quality assurance role will include full details of any prior involvement with CIPD centres in order that a decision can be made about the potential for a conflict of interests and therefore any appropriate action or restrictions needed, including not pursuing or not appointing the candidature, or placing operational restrictions on activities.
 - The CIPD also expects that the centre where the individual already has an association will have been informed in a similar way so that they can also make any appropriate decisions from a centre perspective.
2. Subsequent to approval or appointment in addition to no. 1 above:
 - If a new invitation to apply or any quality assurance role is offered to anyone already working in a CIPD centre, the CIPD expects that all interested parties will be informed by the person involved, as above, in order that appropriate decisions can be made based on those described as above.

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Conduct

If anyone involved in the CIPD or a CIPD centre uses conduct that appears to indicate a conflict of interests, the CIPD reserves the right to take action as described below, following counselling of the individual concerned, or to require the centre where the conduct was observed to take such action.

Results of a conflict of interests being identified

When an actual or potential conflict of interests is identified the following is expected:

- Explicit records covering the conflict of interest, and how independence has been assured.
- Greater sampling and checking of the issues surrounding the conflict of interests by internal and external verifiers and moderators.

The following actions may be judged appropriate by the CIPD:

- Requests or requirements for a change of quality assurance role or activities to minimise the potential for conflict of interests.
- Possible non-renewal of contract for services or approval to operate.

How the CIPD QA team applies these guidelines

These guidelines spell out the principles of what is currently a difficult area for the CIPD, as many staff and associates (CIPD assessors/examiners, external verifiers/moderators and centre assessment and verification/moderation staff) bring notable advantage to the various qualifications and routes to membership by their significant experience and involvement in a variety of ways and in different contexts. However, this also brings with it most of the potential difficulties and problems identified earlier in this policy.

In an ideal world, the approach outlined here would be applied quite rigorously, although this would potentially diminish the range of experience within the CIPD teams and also make it harder for members of the various teams to maintain their occupational competence in aspects of their work that the CIPD likes or expects to be maintained.

A pragmatic approach is therefore necessary, and this section sets out the principles that CIPD quality assurance will apply:

Centres

All conflict of interests within or between centres should be formally logged at the centres involved, so that the CIPD have records relating to exactly what conflict of interests (however small) exist for their staff and associates.

1. Logs as described above should show clearly the process that the centre is implementing in order to guarantee independence so that the centre can demonstrate the monitoring that is being undertaken to ensure the conflict does not:
 - lead to the integrity of the award or route to membership being compromised
 - give any unfair commercial advantage
 - jeopardise confidentiality.

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2. Centres should be prepared to show these records to CIPD so that the process and its implementation can be checked and to demonstrate that conflict of interests have been recognised as such and are being monitored in an appropriate way to minimise their effects.
3. Centres should undertake a 'conflict of interests' check before contracting any new associates and include the results of such checks in any subsequent registration application to the CIPD, together with clear statements of the duties to be performed and how the conflict will be monitored within normal centre operations.
4. Whenever renewing, adding to or changing contracts, jobs, roles or responsibilities, Centres must examine the extent to which an actual or potential conflict of interests exists and resolutions confirmed before accepting the change.
5. The CIPD reserves the right not to approve centres or individual staff members, or to require restrictions on their duties, if the conflict of interests appears in their view to carry an unacceptably high risk, or where monitoring of the conflict is inappropriate.
6. External verifiers and moderators will check ongoing conflict of interests monitoring records at centres as a part of their routine external quality assurance monitoring.

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1. Members of CIPD quality assurance staff and those individuals undertaking a quality assurance role under a contract for service should formally log any actual or potential conflict of interests with the appropriate Quality Assurance Manager or the Head of Qualifications. *(See: Declaration form - conflicts of interest and confidentiality.)*
2. Logs as described above should show clearly the process that the CIPD is implementing in order to guarantee independence so that the CIPD can demonstrate the monitoring that is being undertaken to ensure the conflict does not:
 - lead to the integrity of the award or route to membership being compromised
 - give any unfair commercial advantage
 - jeopardise confidentiality.

The CIPD will make these records available to CIPD governance committees as required so that the process and its implementation can be checked and to demonstrate that conflict of interests have been recognised as such and are being monitored in an appropriate way to minimise their effects.

3. The CIPD will undertake a 'conflict of interests' check before offering any contract for service, and thereafter periodically, and will include the results of such checks in any subsequent decision, together with clear statements in the contract of the duties to be performed and how the conflict must be monitored and managed.

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4. CIPD quality assurance will assess the nature and extent of the risk, and reserves the right not to contract with an individual, or to require restrictions on their duties, if the conflict of interests appears in their view to carry an unacceptably high risk, or where monitoring of the conflict is inappropriate.