

## **CONFLICT OF INTEREST POLICY & PROCEDURE**

### **1. Purpose and Scope**

All EMD UK CIC staff and assessors have an obligation to act in the best interests of the company and its clients.

Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of the company or the client. Such conflicts may create problems; they can:

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of EMD UK CIC or its clients;
- Risk the impression that EMD UK CIC has acted improperly.

The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety.

### **2. Responsibility and Authority**

This policy applies to all staff within EMD UK CIC and those staff members working in approved EMD centres, and should be read in conjunction with the declaration of interests form. The QA Manager is responsible for ensuring that staff complete the declaration of interest form at the beginning of each academic year and acting in line with the findings.

### **3. Procedure**

#### **Conflict of Interest Form**

Every member of staff and every assessor within EMD UK CIC will receive a blank copy of the declaration of interest form on 1 September each year from the Quality Assurance Manager.

The declaration of interest form must be completed and returned to the Quality Assurance Manager by 30 September each year.

Any change to the declaration of interest during the academic year must be informed immediately to the Quality Assurance Manager.

Advice on completion of the declaration of interest form may be sought from Quality Assurance Manager.

Interests will be recorded on EMD's register of interests, which is maintained at the EMD Head Office.

The register will be accessible to the Directors and senior members of staff.

### **Declaring an Interest**

If a member of staff or an assessor declares an interest, the Quality Assurance Manager must immediately draw this to the attention of the Directors.

If the interest is deemed by the Directors to be significant and to have a direct impact upon the company business, the member of staff will be required to withdraw immediately from participation in any of the following activities which relate to the interest:

- discussion of any purchase or contract
- decision-making on any purchase or contract
- management or monitoring of any contract
- provision of services
- determination of results.

### **Declaring a Gift/Hospitality**

If a member of staff or an assessor declares a gift or hospitality made on a single occasion of up to £50, no action will be taken other than the recording of the gift/hospitality for any future reference.

If a member of staff or an assessor declares a gift or hospitality made on a single occasion, or accumulated over a number of occasions within one year, in excess of £50, a check will be made by the Quality Assurance Manager to see if you have any authority to influence the placing of an order or contract or to influence examination results in favour of the company or person from whom the gift/hospitality has been received.

If no such influence exists, no action will be taken other than the recording of the gift/hospitality for any future reference.

If such influence does exist, you must withdraw from any participation in any of the following activities which relate to the company or person from whom the gift/hospitality has been received:

- discussion of any purchase or contract
- decision-making on any purchase or contract
- management or monitoring of any contract
- provision of services
- determination of results.

If any purchase, contract or provision of services has been made before the gift/hospitality was declared, an investigation must be carried out by the Quality Assurance Manager to ensure that any award was made fairly and without bias towards the company or person from whom the gift/hospitality had been received.

If the Quality Assurance Manager declares a gift/hospitality, the above procedure (in 3.2 & 3.5) will be applied by one of the Directors.

### **Declaring an Interest in a Learner**

If an assessor indicates any learner who is a close relative or friend who is currently an EMD learner, the assessor will not be allowed to assess that learner.

### **What to do if you face a conflict of interest**

If you are a member of staff and/or employed by EMD and are a user of EMD's services, you should not be involved in decisions that directly affect the service that you receive. You should declare your interest at the earliest opportunity and withdraw from any subsequent discussion. 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 users, or where your benefit is minimal.

If you fail to declare an interest that is known to EMD senior staff and / or the Directors, they will declare that interest.

### **Decisions taken where a member of staff has an interest**

In the event of the management committee having to decide upon a question in which a member of staff has an interest, all decisions will be made by vote, with a *simple majority / two thirds majority* required. A quorum must be present for the discussion and the decision; interested parties will not be counted when deciding whether the meeting is quorate. Interested management committee members may not vote on matters affecting their own interests.

All decisions under a conflict of interest will be recorded by the company 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 the conflict.

Where any person benefits from the decision, this will be reported in the annual report.

Independent external moderation will be used where conflicts cannot be resolved through the usual procedures.

### **Managing contracts**

If you have a conflict of interest, you must not be involved in managing or monitoring a contract in which you have an interest. Monitoring arrangements for such contracts will include provisions for an independent challenge of bills and invoices, and termination of the contract if the relationship is unsatisfactory.

## **4. Data Protection**

The information provided will be processed in accordance with data protection principles as set out in the Data Protection Act 1998. Data will be processed only to ensure that all staff act in the best interests of the company and its clients. The information provided will not be used for any other purpose.

### Declaration of Interests Form

I .....as employee/assessor of EMD UK CIC have set out below my interests in accordance with the EMD's *Conflict of Interest Policy*.

As an employee of EMD UK CIC and/or an assessor, you are required to act in the best interests of EMD UK CIC. However, inevitably, people have a wide range of interests in private, public and professional life and these interests might, on occasions, conflict (for example: Director of supplier or consultant to charity).

We are obliged to review any possible conflicts when preparing our annual report so ask you to supply the relevant information in response to the following questions:

- Has anyone given or offered you gifts (material or financial) in your capacity as an EMD employee / assessor? If so, provide details below:
- Have you, or anyone connected with you, through family, business or charity, an interest in a contract or transaction with a client? If so, provide details below:
- Have you, or any person connected with you, derived any pecuniary benefit or gain from your role as an employee/assessor of EMD? If so, provide details below:
- If you are employed as an assessor, please list below any learners you are aware of who you are related to or have a relationship or friendship with.

To the best of my knowledge, the above information is complete and correct. I undertake to update, as necessary, the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

**Signed:**

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**Position:**

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**Date:**

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