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**1.Policy Statement**

N.I. Security Qualifications (NISQ) and its Governing Body, Committees, Panels and Staff (here after referred to as the staff) have a fundamental obligation to act in the best interest of the Learner, by not letting outside activities or outside financial interests interfere with that obligation. NISQ expects its Staff to advance the Awarding Organisation mission of Education, Research and its services. As part of this responsibility, NISQ and its Staff will apply their time and effort appropriately and use NISQ resources towards these ends. When time or resources use results in inappropriate personal advantage, or is detrimental to either NISQ mission, that use of time or resources represents a conflict between one’s interest and that of NISQ.

**2.Purpose**

The Purpose of this Policy are: to educate NISQ and its Staff about situations that generate Conflicts of Interest and Conflicts of Commitment; to provide means for individuals and the NISQ to manage these conflicts; to promote the best interests of the Learner and those who provide services to and for NISQ, and to describe situations that are prohibited, who keeps a record of any conflict of interests that arises and the structure for taking the appropriate action. All members, Staff and service providers for NISQ are expected to conduct business with high Ethical and Legal Standards. This Policy sets out a Standard of Conduct to protect financial well-being, reputation and legal obligations of NISQ. Furthermore, this policy establishes a method to protect the NISQ and its Staff from questionable circumstances that might arise and to resolve any apparent or real conflicts. **This policy is to protect our integrity as a business and the integrity of our qualifications. It is also designed to protect our staff by providing guidance on handling possible conflicts of interest that may arise as a result of NISQ business as an End Point Assessment and Approval Centre.**

**3.Management of Conflicts of Interests within NISQ**

NISQ already have put into place a number of key Policies and Quality Documents that outline the expectation of NISQ from its Staff and its Service Providers. This has been developed to ensure that where a potential Conflict of interest may occur NISQ has in place a manageable and functioning system to highlight, report to the Chief Compliance Officer, Qualifications Division, remove or diminish the Conflict.

This has been implemented through the development of;

* An extensive and robust Company structure,
* The Roles and Responsibilities of “The Staff” are clearly defined on a series of documents named NISQ GL 1- 28 (NISQ Guide Lines)
* Application, Assessment and Reporting Documents listed as NISQ 01 – NISQ 99 etc,
* Quality Documents which define the Company Policies of which this document forms part of listed as NISQ D 1 -23

**4.Disclosing Conflicts of Interest at Governing Body Meetings**

The NISQ Governing Body are the functioning decision making body of the Awarding Organisation with a scheme of delegation. It is fundamentally concerned with meeting the General Conditions of Recognition set by CCEA Regulations, to act in the best interest of the Learner and to provide good governance.

Circumstances may arise which may lead to pecuniary interests being declared at a Governing Body meeting, while pecuniary interests declared at a meeting may lead to the NISQ 42 Conflict of Interest Log being updated and managed, however, the declaration of a pecuniary interest should be recorded in the minutes of the meeting.

What is a pecuniary interest?

A Governor would have a pecuniary interest in a contract or proposed contract if:

* He/she was nominated or appointed to office by a person with whom the contract was made or is proposed to be made
* He/she is a business partner of a person with whom the contract was made
* He/she has a relative (including a spouse, civil partner or someone living with him/her as if as his/her spouse or civil partner) who, to the knowledge of the relevant person, had, or would be treated as having, such an interest

NISQ has adopted the following statements;

**Governors must declare pecuniary interests and the Governing Body should decide whether this represents a conflict such that the governor should withdraw from discussion and/or decision making.**

**Conflicts of interest may also arise where an individual’s personal or family interests and/or loyalties conflict with those of the Governing Body. This might happen when a governor has come onto the Governing Body as an elected or appointed member of a particular group - for example, a local authority/foundation/parent/staff governor. This situation may possibly cause the governor to think that they should act in the interests of the group that nominated them.**

**Such conflicts can inhibit free discussion, result in decisions or actions that are not in the interests of the Governing Body or risk giving the impression that the Governing Body has acted improperly. In all circumstances, a governor has an obligation to act in the best interests of NISQ and in accordance with the governing body’s code of conduct. NISQ D24. The Governors should submit an annual disclosure and certificate of compliance on NISQ 27GB, this does not replace the Opportunity to declare interests on every agenda -**

At the beginning of every Committee, Panel meeting and full governing body meeting those present should be asked if they have any personal interest in the business of that meeting. Any interests can then be recorded in the minutes. Where necessary, the relevant person can be asked to leave the meeting for that agenda item.

**Advance Notice**

A Governor who is about to engage in an activity that may present a Conflict of Commitment or Conflict of Interest must notify the Governing Body in all cases. The Governing Body considers all factors relevant to the situation and advises Governor regarding whether the activity may be undertaken or how it may be managed, for example leaving the Governing Meeting at certain points of the meeting agenda. This will be recorded in the minutes of the meeting.

**5.The Policy**

This policy applies to all staff, consultants and partner organisations that interact or potentially interact with the work of NISQ end point Assessment and Approval centre. This includes individuals involved with any aspects of the creation, marketing, sales, distribution, marking or any other activity connected with qualifications, tests and assessments, and supporting resources and services.

The individuals falling within the scope of this policy include directors, employees, contractors, teachers, Subject Matter Lecturers, Guest Speakers, Specialists, agency workers and any associate staff, teachers, assessors, internal moderators, qualifications coordinators, responsible persons/officers, Governing Body, advisory board members, academics, university staff, Chief compliance Officers, Facilities Management Officer, Director Contracts Division, NISQ Centre assessors/NISQ Invigilators and freelance staff.

**Definition –**

A conflict of interest is a situation in which an individual, or organisation, has competing interests or loyalties. In the case of an individual, the conflict of interest could compromise or appear to compromise their decisions if it is not properly managed.

Conflicts of interest can arise in a variety of circumstances relating to awarding organisation activity, for example:

* where the organisation has an end point Assessment and Approval function within one umbrella organisation
* when an individual has a position of authority in one organisation that conflicts with his or her interests in another organisation
* when an individual has interest’s that conflict with his or her professional position where someone works for or carries out work on NISQ behalf, but may have personal interests – paid or unpaid – in another business which either uses NISQ products or services, or produces similar products
* where someone works for or carries out work on NISQ behalf, who has friends or relatives taking NISQ Assessments, Approvals or examinations

**Outside Professional Activities,**

* A situation where an individual engages in outside activities, either paid or unpaid, that interferes with his or her primary obligation and commitment to the NISQ.
* A situation in which an individual’s financial, professional or other personal considerations may directly or indirectly affect, or have the appearance of affecting, his or her professional judgment in exercising any NISQ duty or responsibility.
* For purposes of this Policy, "Staff" means any person possessing either a full- or part-time appointment in NISQ.
* A Financial Interest, is an interest in a business or the receipt or right to receive certain types of remuneration over stated thresholds.
* The immediate family of a Staff member or Staff member includes his or her spouse, dependent children, domestic or civil union partner, and others as defined in the Staff Handbook and Staff Handbook.
* An outside activity is any paid or volunteer activity undertaken by a Staff or Staff member outside the scope of his or her regular NISQ duties. Outside Professional Activities may include consulting, participation in civic or charitable organisations, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in one’s NISQ occupation or another.

**Policy/Procedures**

**Guiding Principles**

* It is the policy of NISQ that its Staff conduct the affairs of the NISQ in accordance with the highest ethical and legal standards. To avoid a conflict between personal or professional interests and NISQ interests, individuals must not be in a position to act on behalf of or make decisions for the NISQ if their personal economic gain or interest may directly or indirectly influence, or have the appearance of influencing, the performance of their duties.
* Good judgment of Staff is essential, and no list of rules can provide direction for all the varied circumstances that may arise. If a situation raising questions of Conflict of Interest or Conflict of Commitment arises, or involving a registered learner, Staff are urged to discuss the situation with their Direct supervisor or the NISQ Chief Compliance Officer (CCO). Access to information collected in connection with this Policy will be limited to those with a need to know and will be shared in accordance with NISQ policy and Government legislation.

**Conflict of Commitment**

* NISQ Staff owe their primary professional allegiance to NISQ; their primary commitment of time and intellectual energies is to the Learner, education, research and structures supporting the NISQ’s mission. A Conflict of Commitment occurs when a Staff/member’s professional loyalty is not to because the time devoted to outside activities adversely affects their capacity to meet NISQ responsibilities.
* Attempts to balance NISQ responsibilities with outside activities – such as consulting, government service, public service, or pro bono work – can result in conflicts regarding allocation of time and energy. Conflicts of Commitment usually involve issues of time allocation. Whenever an individual’s outside consulting activities exceed permitted limits as set forth in the Conflict of Commitment section of the NISQ’s Staff Handbooks, as applicable, a Conflict of Commitment exists. The NISQ Staff Handbook describes the responsibilities of the Staff.
* Staff intending to engage in an activity that involves significant effort outside of the NISQ and may present a Conflict of Commitment must have written approval from the relevant department/countersigned by the Governing Body.

**Conflict of Interest**

Considerations of personal gain must not influence the decisions or actions of individuals in discharging their NISQ responsibilities. Such incentives might create a perception of impropriety and, therefore, require that such conflicts be identified, and then managed, reduced or eliminated.

The following activities are examples of situations that may raise questions regarding an apparent or real Conflict of Interest:

a) Undue personal gain from NISQ funds or resources

b) Excessive or unauthorised use of NISQ time or resources for professional, charitable or community activities

c) Exploitation of Learners for private gain

d) Compromise of NISQ priorities due to personal financial considerations

e) Unfair access by an outside party to programs, services, information or technology

f) Selection of an entity as a NISQ vendor by an individual who has a personal or economic interest in that entity; this includes engaging a relative as an independent contractor, subcontractor or consultant

G) Staff members including Directors who know a registered Learner, especially those directly involved in the registration and assessment process,

**NISQ will exercise oversight and care in eliminating or managing Conflicts of Interest that do or may arise because of an individual’s personal interest in NISQ activities. NISQ will not accept or enter into agreements, contracts, gifts or purchases that give rise to a Conflict of Interest unless the conflict can be eliminated or appropriately managed through administrative oversight to protect the interests of the individual and the NISQ.**

**Appropriate Use of NISQ Resources**

NISQ resources are to be used only in the interest of the NISQ. Staff may not use NISQ resources, including facilities, personnel, equipment or confidential information, as part of their outside consulting activities or for any other non-NISQ purposes. Inappropriate use of NISQ resources includes, but is not limited to, the following:

(1) A Staff member assigning his or her Learner, Staff or Service Providers to advance the Staff member’s own monetary interest rather than to advance the NISQ mission,

(2) Granting external entities access to programs, resources, services, information or technology for purposes outside the NISQ's mission

(3) Offering inappropriate favours to outside entities in an attempt to unduly influence them in their dealings with the NISQ

(4) Using for personal gain, or granting others unauthorized access to confidential information acquired through conduct of NISQ business or research activities

**Situations that May Create a Conflict of Interest**

**Outside Professional Activities**

**Staff**

* An Outside Professional Activity is any paid or volunteer activity undertaken by a Staff member of NISQ outside the scope of his or her regular NISQ duties. Outside Professional Activities may include participation in professional, civic or charitable organizations, such as consulting, working as a technical or professional advisor or practitioner, or holding a part-time job with another employer, whether working in one’s NISQ occupation or another.
* Outside Professional Activities that use NISQ resources or an individual’s time on the job, thereby competing with the NISQ or conflicting with the performance of the job, present a Conflict of Interest and are not permitted. Activities that present a potential Conflict of Interest require the written permission of the Director/countersigned by the Governing Body. Permission is given if the activity does not compete with NISQ activities, result in undue personal gain, or interfere with the performance of the Staff member's NISQ duties.

**Staff**

* Appointment as a Staff member of NISQ confers the obligation to pursue Education, research and/or NISQ service. Fulfilment of these obligations requires a primary commitment of expertise, time and energy. Staff engagement in Outside Professional Activities is a privilege and not a right and must not detract from a Staff member's obligation to his or her NISQ duties.
* A full-time appointment conveys an obligation for a Staff member to have a significant physical presence for NISQ, to be accessible to Learners and Staff, to carry his or her share of committee responsibilities, to meet any assigned obligations and to be available to interact with colleagues. Activities such as pro bono work, government service in the public interest and any outside employment unrelated to the Staff member's NISQ responsibilities must be managed so they do not take precedence over a Staff member's primary commitment to the NISQ.
* Significant management roles (those that involve substantial supervision of the work of others and/or day-to-day responsibility for operating decisions) in private business typically are demanding both in terms of time and energy.
* Because full-time Staff are expected to devote their primary energies and professional interests to their NISQ obligations, they may not accept significant managerial responsibilities as part of their Outside Professional Activities. It will be necessary for a Staff member to obtain the permission of The Governing Body and may require an unpaid leave of absence from his or her NISQ responsibilities in order to take on a significant management role in an outside entity.
* Certain Outside Professional Activities, such as submitting or directing a program of research or scholarship at another Awarding organisation that could be conducted appropriately at, can generate conflicts regardless of the time involved.

**Staff Use of Staff in Outside Professional Activities**

Staff and others in a supervisory capacity may not require those they supervise to perform services outside those related to their NISQ position. It may be appropriate for Staff to assist Staff members in their Outside Professional Activities, depending upon the nature and extent of the Staff involvement on an incidental or infrequent basis. However, because such involvement is a potential source of conflict between Staff members and their Staff, any Staff involvement must be approved by the relevant department Director and Countersigned by the Governing Body.

**Reporting Requirements for Staff**

**Financial Interests**

Financial Interests create Conflicts of Interest when they provide, or appear to provide, an incentive to the Staff member to affect a NISQ decision or other NISQ activity (for example, because of the possibility for personal gain) and when the Staff member has the opportunity to affect the NISQ decision or other NISQ activity. If there is both sufficient incentive from the Financial Interest and opportunity to affect the NISQ activity, a Conflict of Interest exists.

For purposes of this Policy, “Financial Interest” is one or more of the interests defined below held by a Staff member or his or her Immediate Family member if the interest reasonably appears to relate to the Staff member’s NISQ responsibilities:

(1) With regard to any publicly traded entity, a Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, For purposes of the definition of Financial Interest, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;

(2) With regard to any non-publicly traded entity, a Financial Interest exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure,

(3) Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests. Financial Interests do not include intellectual property rights assigned to the NISQ or agreements to share in the royalties related to such rights.

**Financial Interests DO NOT include the following:**

(1) Salary, royalties, or other remuneration paid by the NISQ to the Staff member if the Staff member is currently employed or otherwise appointed by the NISQ;

(2) Intellectual property rights assigned to the NISQ and agreements to share in royalties related to such rights;

(3) Income from investment vehicles, such as mutual funds and retirement accounts, as long as the Staff member does not directly control the investment decisions made in these vehicles;

**Annual Reporting Requirement**

On an annual basis, all Staff members must provide information on the nature and extent of their Outside Professional Activities and Financial Interests, to the Audit, Risk and Compliance Department, The Chief Compliance Officer.

**Disclosure Update Requirement**

Staff members must update their disclosure information in a timely manner as follows:

(1) Current or prospective situations that may raise questions of Conflict of Commitment or Conflict of Interest as soon as such situations become known to the Staff member. For these situations, Staff members must provide all information required on an updated annual disclosure/certification report.

(2) Changes in financial interests or external activities, including changes that alter the nature or eliminate an actual or potential conflict previously disclosed.

**Activities that may be subject to questions of Conflict of Commitment or Conflict of Interest must be approved before the activity is undertaken.**

**Staff Annual Disclosure Reports and Disclosure and Certification of Compliance NISQ 27 Form**

Staff members‟ annual disclosure/certification reports must:

(1) Certify compliance with NISQ’s Policy on Staff Conflict of Commitment and Conflict of Interest;

(2) Report the number of days spent on Outside Professional Activities;

(3) Disclose prior year’s Outside Professional Activities (including consulting) or other Financial Interests of the Staff member;

(4) Disclose any proposals to or awards from any funding agency that could benefit outside entities in which the Staff member has employment, consulting or other Financial Interests;

(5) Disclose any inventions/creations developed using NISQ resources to which title has not been assigned to the NISQ; and

**Annual Governors Disclosure Reports and Certification of Compliance NISQ 27GB**

NISQ Governing Body in Confidence, to the Chair

NISQ Governors annual disclosure/certification report:

1. I the NISQ Governor Certify my Compliance with NISQ Governing Body Code of Conduct and Conflict of Interest Polices;

Name……………… Position…Governor……………… Date……………….

1. The Number of Days I have Spent on outside Professional Activities was ………………………….
2. The Number of Days I have Spent during the Prior Year, including consulting or other Financial Interests Was …………………………
3. I hereby disclose any proposal to or awards from any funding agency that may benefit an outside entity which I have employment, consulting or other Financial Interests;
4. I hereby disclose any inventions or creations I have developed using NISQ resources to which title has not been assigned to NISQ;
5. I have as requested informed the NISQ Governing Body, Committees or Panels prior to those meetings taking place of any Conflict of Interest or pecuniary interest

**If there is doubt about the existence of an actual or apparent Conflict of Commitment or Conflict of Interest, the Staff member should err on the side of disclosing it for review and approval. The Governing Body of NISQ may request more, but not less, information than that specified above.**

**These Documents are to be addressed as appropriate to either the Chair Governing Body for Governors only or to the Chief Compliance Officer, NISQ Qualification Division, all other Staff in Confidence. For collation and any necessary action,**

1. **Normal Return – no conflict issues reported,**
2. **Of Interest – Possible Conflict Issue may arise, advice is given by the Chief Compliance Officer, noted on the NISQ 27 Submitted to the Governing Body for Information Purposes only,** **NISQ 42 Conflict of Interest Log Completed**
3. **Conflict – Conflict of Interest Identified, reported or suspected by the Chief Compliance Officer to have taken place, process of taking place or may take place, matter reported to the Governing Board, NISQ 42 Conflict of Interest Log Completed**

**Reporting Requirements for Staff**

**Advance Notice**

A Staff member about to engage in an activity that may present a Conflict of Commitment or Conflict of Interest must provide written notification to his or her immediate supervisor, manager or director, in all cases the Conflict of Interest must be reported to the Chief Compliance Officer, Qualification Division. The Chief Compliance Officer considers all factors relevant to the situation and advises the Staff member in writing regarding whether the activity may be undertaken. This is either a Normal Return or Of Interest

**Disclosure**

In addition to the advance notice required of a Staff member about to undertake an activity with a possible Conflict of Commitment or Conflict of Interest, each Staff member is to affirm a lack of such conflicts or disclose any Conflict of Commitment or Conflict of Interest or potential Conflict of Interest on an annual basis in response to a questionnaire distributed for that purpose. The Chief Compliance Officer approves or disapproves relationships or situations where no or where a possible Conflict of Commitment and Conflict of Interest has taken place, for all instances where a Conflict of Interest has occurred, continues to occur then the Governing Body will be informed by the Chief Compliance Officer. The Governing Body may seek advice from the Challenge, Review and Advisory committee, before taking any necessary action to remove or mitigate against any Conflict of interest or Adverse Effect that has occurred.

**Appeal**

If a Staff member disagrees with a decision regarding a Conflict of Commitment or Conflict of Interest, he or she may appeal the determination to the Governing Body. All appeals must be made in writing within 15 calendar days of the date of the Staff member’s receipt of the determination regarding the Conflict.

**Conflicts in Research**

* Researchers are expected to carry out such activities with the highest ethical standards. All individuals engaged in research at NISQ must follow the NISQ’s Policy on Conflict of Interest Policy. The Policy on Conflict of Interest in Research supports 's commitment to the basic values of scholarly integrity.
* NISQ researchers must be open about their involvement with and obligations to outside parties who could benefit from the work or ideas of Learners, Staff and colleagues, and inform these individuals of any personal or commercial interest in the research project. Similarly, NISQ researchers should provide access to information about their research.

**Conflict of Interest, The Audit, Risk and Compliance Department**

NISQ has created a Conflict of Interest Oversight through its Audit, Risk and Compliance Department (ARCD). The role of the ARCD includes resolution of potential financial Conflicts of Interest arising through disclosures that cross policy boundaries or from within NISQ but brought to their attention from an Approved Centre. This Department is needed to ensure consistent application of this Policy throughout the NISQ. The ARCD will oversee and recommend changes, as needed, to the NISQ’s Policy on Conflict of Interest and Conflict of Commitment. The ARCD – The Chief Compliance Officer is also responsible for keeping a log, register, collation system of any conflict of interest that has arisen, this must be maintained as per Data Protection Legislation.

**Gifts**

* Favours of any value should be recognised for their potential influence on the objectivity of judgment with respect to the provider and the recipient of the favour. Staff shall not solicit a gift or accept a significant gift when such solicitation or acceptance may influence, or have the appearance of influencing, the performance of duties. A “significant gift” is defined as any item, service, favour, monies, credits, or discounts not available to others. Staff and Staff may accept trivial items as a matter of courtesy, but may not solicit them.
* Acceptance of social invitations to occasional business meals, entertainment and hospitality will be subject to prudent judgment as to whether the invitation places or appears to place the recipient under any obligation. Questions about the value of a gift or the appropriateness of an invitation should be referred to your department Director.

**Sanctions NISQ D18 Sanctions Policy**

Instances of breach of this Policy, including failure to submit or submission of an incomplete, erroneous or misleading annual or ad hoc disclosure/certification report, failure to disclose information as required by this Policy, or failure to comply with prescribed monitoring procedures, will be decided in accordance with applicable disciplinary policies and procedures as stipulated in the NISQ Staff Handbook or NISQ Staff Handbook, as applicable.

Conflict of Interest’s will be reported to the Governing Body of NISQ by the Chief Compliance Officer for deliberation as to any necessary action that may need to be taken. The NISQ Governing Body may request advice from the Challenge, Review and Advisory committee on these matters.

WMMcDowell

Director Qualification Division NISQ