



TLM Conflict of Interest Policy – Centres

Policy Statement

The purpose of this policy is to set out for Centres:

- Potential situations where conflicts of interest may arise
- Actions that should be taken by Centres to identify, record and manage conflicts of interest
- How TLM will manage conflicts of interest

This policy sits alongside our Centre Agreement and is designed to ensure compliance with the relevant requirements of Ofqual's General Conditions of Recognition, as well as related UK legislation, including but not limited to the Bribery Act 2010, the Data Protection Act 2018/UK GDPR, and the Equality Act 2010.

All related documents are available on our website or from your TLM Centre Support Officer.

Potential situations where conflicts of interest may arise

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.

There are a few situations where conflicts of interest can arise. Examples include, but are not limited to:

- Where both training delivery and assessment roles sit within one organisation
- An individual may have a role within a Centre which conflicts with their interests in another organisation
- An individual may have competing personal and professional interests
- An individual may have financial interests which potentially conflict with regulatory requirements

The existence of such interests does not necessarily imply wrongdoing, but it is likely to give an appearance of conflict and must be declared. This includes the requirement under the Bribery Act 2010 to avoid any situation where an individual's actions could be perceived as being influenced by a benefit offered or received.

Actions that should be taken by centres

1. Identification of conflicts of interest

TLM will deliver training to Centres about conflicts of interest and guidance material is available. Centres must attend such training and use support material provided by TLM.

Centres must then in turn, maintain a programme of training and staff awareness activities to facilitate appropriate levels of awareness and associated risks. This will enable Centres to assess and appropriately manage both perceived and real, conflicts of interest.

Centres need to actively and routinely, review staff and governance roles to assess the likelihood of each individual either having or giving the appearance of having, a conflict of interest. Roles might include but may not be limited to:

- Teachers
- Trainers
- Exam officers
- Assessors
- Quality assurance staff
- Invigilators
- Staff with access to confidential assessment materials
- Senior staff in Centres including Governors, Managers, Directors - who can use their authority in a Centre to influence the behaviour of staff involved in assessment processes

All Centre staff must be issued with a conflict of interest form to complete on commencement with the organisation and it must be a requirement of their contract that this is completed and updated on an annual basis. The form is to be completed even when the individual has no conflict of interest to declare.

If an individual has any changes to their declared circumstances concerning conflicts of interest, they must inform their line manager immediately in writing. This is in line with the principle of proactive disclosure, which is a key control in preventing bribery and corruption.

2. Recording conflicts of interest

Centres should transfer all the information held on the conflict of interest forms to a register of interests' document which is maintained by a designated person at the TLM approved centre or TLM recognised provider. This should be available for review by TLM upon request.

When changes to declared circumstances arise, the register of interests' document must be updated by the Centre so that the conflict of interest can be evaluated.

The data held in this register is subject to the Data Protection Act 2018/UK GDPR. Centres must ensure they have a lawful basis for processing this personal data, which may include legitimate interests for governance purposes, or contractual necessity. Staff must be informed of how their data will be processed and retained.

3. Management of conflicts of interest

The information submitted must then be evaluated by the Centre, to identify if any further action is required and a written record of the outcome of the evaluation must be kept.

Most situations will require no further action other than the completion of the conflict of interest form. In some instances, however, the information declared on the form will require some follow up action, for the conflict of interest to be managed appropriately.

The approach taken to manage the conflict of interest, will be documented by the Centre and held with the conflict of interest forms.

Examples of actions that could be taken:

- Individual not taking part in discussions or decisions of certain matters
- Referring certain matters for decision to others with no vested interest
- Individual agreeing not to be involved in an activity or removal of access to certain materials
- Individual declaring an interest at times when it is appropriate to do so
- Referring the matter to TLM for advice and guidance.

Centres must keep all records relating to the identification, recording and management of conflicts of interest for a minimum of one year after results have been issued for the relevant assessment activity or examination series or until all certificates have been awarded. Centres need to be able to make such records available to TLM upon request.

How TLM will manage conflicts of interest

1. Our obligations

TLM is an Ofqual recognised awarding organisation and as such, is subject to Conditions of Recognition. These describe obligations to manage conflicts of interest:

Definition of conflict of interest

1. A4.1 For the purposes of this condition, a conflict of interest exists in relation to an awarding organisation where –

- 1. (a) its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Conditions of Recognition,*
- 2. (b) a 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, or*
- 3. (c) an informed and reasonable observer would conclude that either of these situations was the case.*

Identifying conflicts of interest

1. A4.2 An awarding organisation must identify and monitor –

- 1. (a) all conflicts of interest which relate to it, and*

2. (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

A4.3 An awarding organisation must establish and maintain an up to date record of all conflicts of interest which relate to it.

Managing conflicts of interest

A4.4 An awarding organisation must take all reasonable steps to ensure that no conflict of interest which relates to it has an Adverse Effect.

A4.5 Where such a conflict of interest has had an Adverse Effect, the awarding organisation must take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it.

Interests in assessment

A4.6 An awarding organisation must take all reasonable steps to avoid any part of the assessment of a Learner (including by way of Moderation) being undertaken by any person who has a personal interest in the result of the assessment.

A4.7 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the awarding organisation must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

The written conflict of interest policy

A4.8 An awarding organisation must establish, maintain, and at all times comply with an up to date written conflict of interest policy, which must include procedures on how the awarding organisation intends to comply with the requirements of this condition.

A4.9 When requested to do so by Ofqual in writing, an awarding organisation must promptly submit to Ofqual its conflict of interest policy and must subsequently ensure that the policy complies with any requirements which Ofqual has communicated to it in writing.

2. Our approach

TLM's Centre agreements set out clearly all obligations on Centres to manage conflicts of interest. TLM will highlight the need for Centre staff to fully understand their responsibilities to identify, record, monitor and manage all conflicts of interest during Centre visits, Workshops and training sessions. All these sessions are audio recorded. It is a condition of Centre approval that all staff who have an account

on the TLM Markbook attend at least one training session or Workshop or receive a Centre visit every academic year.

We require each Centre to make available to us its register of interests' document upon request.

Where TLM identifies a potential conflict of interest within a Centre, we will work with the Centre to ensure it is appropriately managed. In line with the Bribery Act 2010, we expect Centres to ensure that no person is offered or receives a financial or other advantage to induce them to perform a relevant function improperly.

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