Conflict of Interest

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Version Control

Version number	Revision date	Summary of changes	Author
1.0	N/A	Original Policy	People Advisory Team
2.0	09/2022	Refresh of previous policy doc, first person language, format changed. Added procedure and flowchart to show management processes. In procedure inclusion of personal interests, reasonable adjustments, stages of resolution, disagreement, & equality statement	[redacted]
2.1	08/2024	Updated to new corporate policy template and EqIA actions reviewed and updated. Standard support section wording updated. Equalities section added in line with other policies. Additional examples added to identifying a conflict of interest.	[redacted]
2.2	04/2026	Rebranded to Qualifications Scotland Logo, references to SQA removed and email address updated to qualifications.gov.scot	[redacted]

Why do we need the policy?

This document outlines the policy and procedure for declaring any conflict of interests and highlights associated Qualifications Scotland's policies and documents.

Who is it for?

This policy applies to members of staff only.

Staff are defined as people who work for us under a contract of employment. Any other worker, for example agency workers and inbound secondees, will be covered by their substantive employer's rules and policies. Contractors will be governed under the terms and conditions of their contract with Qualifications Scotland.

Appointees are covered by their own terms and conditions of appointment.

What support is available?

- [If appropriate, your line manager (see section 2.0 below)
- HR support can be sought by contacting the People Operations team at peopleoperations@qualifications.gov.scot or by calling 6060.
- Trade union representatives can provide members with advice, help and support. Information about Unite and Unison can be found on intranet homepage under A-Z.
- The wellbeing hub offers a broad range of help for social, financial, physical and psychological wellbeing and can be found on the intranet.

Part A - Policy

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1 Introduction

This policy has been developed to ensure that Qualifications Scotland's employees are aware that they must not allow any private interest to influence any of their decisions connected to their employment with us.
In addition, this policy has been developed to enable both managers and employees to ensure that there is no conflict of interest in relation to how they develop, deliver and award qualifications.

This is a preventative policy, which means it is designed to help Qualifications Scotland's employees avoid any potential conflicts.

2 Responsibilities

Your role and responsibilities, along with those of managers and Human Resources are defined below. We will ensure all managers involved in this process are aware of this policy and their responsibilities under it.

You	**Your line manager**
♦ Comply with all aspects of this policy, referring to related policies and documents where applicable. ♦ Report any actual or perceived conflict of interest to your line manager, either in relation to yourself or another member of staff.	♦ Comply with all aspects of this policy, referring themselves and their staff to related policies and documents where applicable. ♦ Report any actual or perceived conflict of interest, either in relation to themselves or a member of their staff, to Human Resources or the Head of Strategic Planning & Governance (Qualifications Scotland's Fraud ♦ Irregularity Response Co-ordinator).
Human Resources	**Head of Strategic Planning & Governance (Fraud Irregularity Response Co-ordinator)**
♦ Support and provide guidance to managers and employees. ♦ Investigate any conflict of interest as appropriate.	♦ Investigate any conflict of interest as appropriate.

3 Policy

3.1 Equalities

We will ensure throughout this procedure that we do not unfairly discriminate against anyone because of a protected characteristic (Equality, Diversion & Inclusion Policy)

For example, adapting procedures to accommodate you if required or making reasonable adjustments to procedures to ensure that we do not put anyone with a disability at a substantial disadvantage. This might mean allowing someone else to also attend, for example a support worker or someone with knowledge of your specific needs.

It is important to note that any reasonable adjustment made must never negatively impact on the investigative and/or decision-making process outlined in this policy and procedure.

3.2 Conflict of Interest

As an Qualifications Scotland employee, you must not allow any private interest to influence your decisions at work.

You must not use your position within Qualifications Scotland to further your own interests or the interests of others who do not have a right to benefit under Qualifications Scotland's policies.

Circumstances may arise where you have a private interest that relates to the work of Qualifications Scotland. That interest could be financial, or one which a member of the public might reasonably think could influence your judgment. In addition, close family members or people living in your household may have financial or other interests in the work of Qualifications Scotland. All such interests, whether you consider them to be relevant or not, must be declared to your line manager as soon as it is apparent that they may relate in any way to your work.

If in doubt, seek guidance from your line manager.

3.3 Investigation a conflict of interest

Human Resources, or the Head of Strategic Planning & Governance (who fulfils the duty of Fraud Irregularity Response Co-ordinator) will initiate an investigation and act where necessary, if:

a) Your activity, whether undertaken on behalf of yourself or of another person, has the potential to lead to an act that is contrary to Qualifications Scotland's interests.

b) If you have interests in any other activity which has the potential to lead you to act contrary to your work for Qualifications Scotland.

c) An informed and reasonable observer would conclude that either of the above situations was the case.

The Addressing Financial Irregularity Policy and procedures will be initiated in instances of perceived or actual financial irregularity and are led by the Fraud Irregularity Response Co-ordinator.

In instances where there is an actual or perceived conflict of interest, but there is no financial element, an investigation into the conflict of interest will be carried out by Human Resources.

3.4 Failure to disclose a conflict of interest

Failure to disclose an actual or perceived conflict of interest, is a breach of your contract of employment and may result in disciplinary action and, in serious cases, could result in your dismissal. In determining whether disciplinary action is appropriate, consideration will be given to the extent to which you reasonably could have been aware of the actual or perceived conflict of interest and/or made a conscious decision not to declare it.

3.5 Accompaniment

While not a statutory right, you may ask, clearly stating the reason why, to be accompanied by a trade union representative or a workplace colleague at any meetings and your request will be considered.

If your request to be accompanied is agreed, your line manager will ask for a workplace colleague, who may be from Human Resources, to also attend and support the meeting.

You have the right to be accompanied at any meeting where the disciplinary policy and procedures have been initiated.

Part B – Procedure

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4 Procedure

4.1 Identifying a conflict of interest

When identifying whether a conflict of interest exists, you should ask yourself whether a private, personal or commercial interest is likely to interfere, or appear to interfere, with your objective judgement in performing your duties.

If you believe there may be a conflict of interest, but are unsure, you should assume that there is a conflict and act accordingly.

Similarly, if a line manager becomes aware of a possible conflict of interest, which a member of staff appears not to have considered, they should bring it to the member of staff's attention for appropriate consideration.

A conflict of interest can arise in many different circumstances, and it is therefore not possible to set out a comprehensive list. However, a serious conflict of interest could occur where a member of staff:

- Uses their position at Qualifications Scotland to influence a contract or secure favourable terms for an organisation in which they, or a relative or friend, has a financial interest;
- Makes or influences a decision that could affect, or appear to affect, the employment of someone they are related to, or have a close personal relationship with. This could include decisions about recruitment, or staff promotions.
- Obtains a financial or non-financial benefit for themselves, or a relative or friend, in return for providing advantage or potential advantage;
- Compromises research objectivity or independence in return for financial or non-financial benefit;
- Uses Qualifications Scotland's resources or confidential information obtained through their role for personal financial or non-financial benefit, or benefit to a relative or friend;
- Conducts business, any secondary employment or an activity outwith Qualifications Scotland, which adversely affects their ability to perform their duties.
- Carries out other forms of work with Qualifications Scotland e.g. appointee role or qualifications development specialists, which adversely affects their ability to perform their duties.
- Forms a close personal relationship with another member of staff in the same department or location, where one of you is in a position of managerial authority. Or forms a personal relationship with a client, supplier, contractor or customer.

4.2 Disclosing a conflict of interest

You should make any disclosure regarding an actual or perceived conflict of interest to your line manager. Where you identify a potential conflict of interest, but do not wish to reveal the details to your line manager, you should seek advice from the Head of Human Resources. Disclosure should normally be made in writing and include sufficient information for your line manager to determine whether a conflict of interest exists and enable an appropriate resolution.

If you are a line manager, and you become aware of a possible conflict of interest, which a member of staff appears not to have considered, you should bring it to their attention for appropriate consideration.

4.3 Resolving a conflict of interest

4.3.1 Line Manager resolution

Once a disclosure has been made, your line manager is responsible for assessing whether a conflict of interest exists and should, where possible, seek to resolve the matter at this stage and as soon as reasonably practicable.

Until that time, you must take no part in the activity relating to the potential conflict.

Your line manager will make every effort to reach agreement with you regarding the solution by discussing the matter directly with you. Whilst the matter will be treated with the strictest of confidentiality, they may need to seek advice from colleagues in the relevant Business Areas.

4.3.2 Escalation resolution

Where your line manager is unable to decide how to resolve the conflict of interest or wishes to have the advice and authority of a more senior colleague (or in circumstances where the line manager also has a conflict of interest), the matter will be referred to their manager, who will handle it until concluded.

After a disclosure is received, a meeting will be held to clarify details and help determine a suitable solution. You will be asked to attend the meeting along with your line manager (and/or senior manager if required) and either a member of the Human Resources team or the Fraud Irregularity Response Co-ordinator, further details can be found in the Addressing Financial Irregularity policy.

You may be accompanied at this meeting as part of an agreed reasonable adjustment by a trade union representative, a workplace colleague, or a companion.

There may be instances where there is a requirement for either Human Resources or the Fraud Irregularity Response Co-ordinator to carry out an investigation into the conflict of interest to establish facts and help find a solution.

You will be given five days' notice of the meeting in writing and the agreed solution will be sent to you in writing within five days of the meeting. In most cases, the solution will be one of the following:

- Agreement that there is no conflict of interest, or that it is not sufficient to be of any concern to Qualifications Scotland.
- Agreement to allow the activity with modifications. Options for modifications include:

  - Disclosure of all pertinent information to other relevant individuals
  - Exclusion from, or third-party review of, any decision-making/authorisation
  - Revisions to the research proposal or other plan
  - Reduction of involvement in the activity

- Resignation from any secondary employment
- Close monitoring of the activity
- Termination of involvement by others (e.g., a relative or friend) in the activity
- Disposing of the relevant personal interests
- A decision that you should not be involved in any way in the piece of work, thus removing the conflict of interest.

In some circumstances it may be concluded that the matter warrants initiating the Disciplinary policy and process and disciplinary action may be taken against you for example if you do not follow the agreed solution or if there is a serious matter of misconduct where the action is considered to have likely broken workplace rules.

4.4 Disagreement

When the resolving a conflict of interest process (section 4.3) has been completed and you have been issued with the outcome and you either disagree or are not satisfied with the decision or outcome, you can escalate the matter to either the Director of Finance for cases of financial irregularity or to the Director of People for non- financial irregularity cases, within 5 days of being notified. You should clearly state the reason(s) why you disagree and your proposed outcome. They will review the disclosure, the conflict and the outcome, your reasons for disagreement and your proposed outcome. They will make an informed decision based on this information. In some cases where clarification is required it may be necessary for the director to speak to you, in these situations appropriate arrangements will be made and you will be afforded the same provisions within the policy as in 3.1 (Equalities) & 3.5 Accompaniment). The director's decision is final, and the outcome will be communicated to you in writing.

4.5 Confidentiality

You and Qualifications Scotland will treat all information as confidential in connection with any enquiries, investigation or disciplinary matter.

4.6 Record Keeping

Your line manager will keep comprehensive records of the disclosure, their findings on whether a conflict of interest exists and any agreed actions. A copy of all records will be shared with the Head of Human Resources and Fraud Irregularity Response Co-ordinator. In cases where a disagreement is raised the appropriate director will maintain records.

5 Compliance

This policy does not form part of your contract of employment, it does however impose obligations on you that you must observe and comply with.

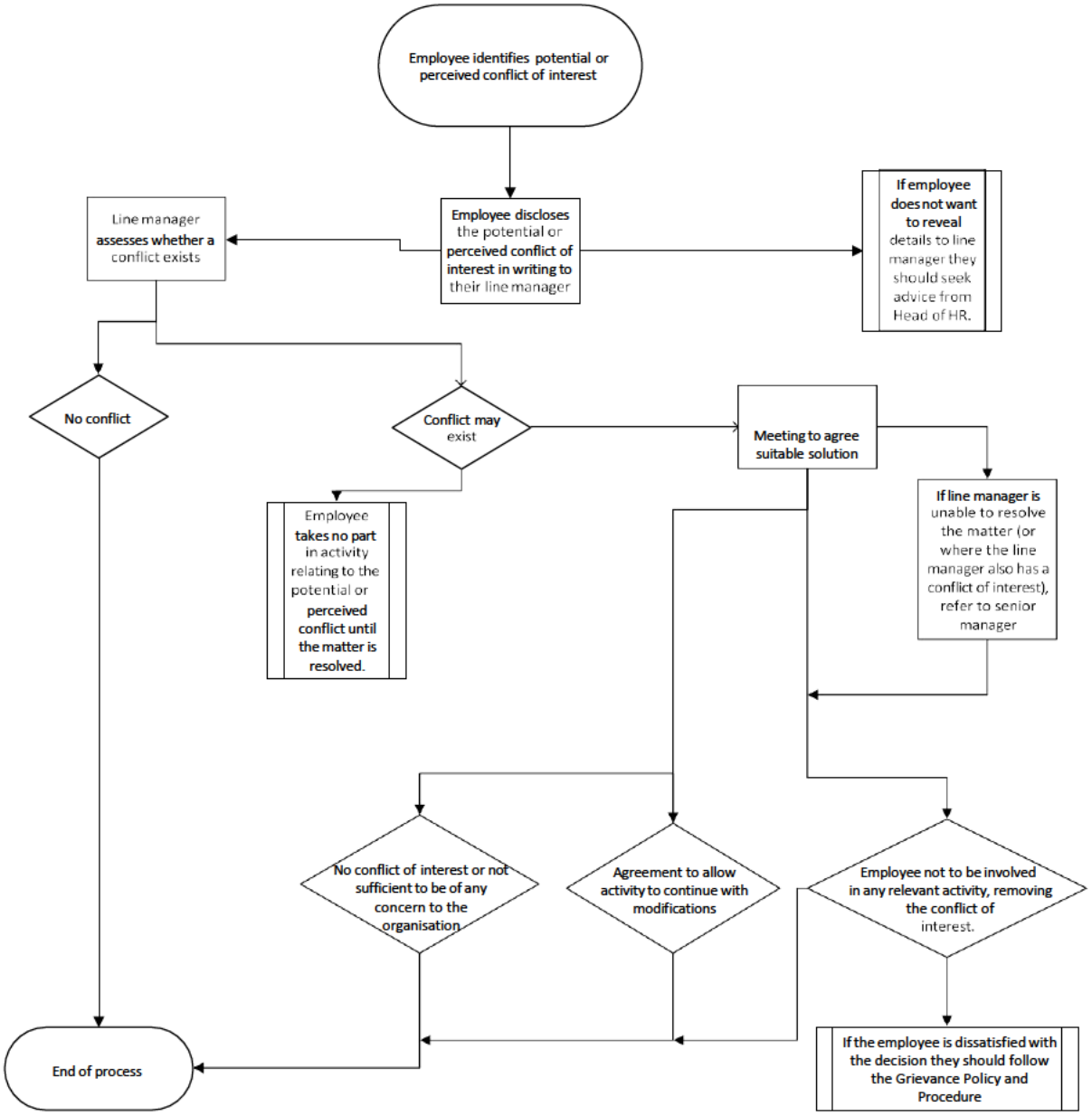
We may amend this policy and its application at any time through consultation with our trade unions.

6 Related Qualifications Scotland's policies and legislation

There are a number of Qualifications Scotland's policies and documents that relate to this policy and members of staff should ensure that they are familiar with and comply with them at all times: The HR policies can be found here:

- Anti-Bribery and Corruption
- Addressing Financial Irregularity
- Code of Conduct
- Consultants (engagement of)
- Copyright Guidelines
- Disciplinary
- Gifts and Hospitality
- Grievance
- Information Security
- Procurement Policy incorporating Sustainability
- Publishing Policy
- Recruitment and Selection Policy
- Secondary Employment
- Travel, Accommodation and Expenses
- Statement of Particulars of Employment
- Social Media

7. Flowchart


Employee identifies potential or perceived conflict of interest
Employee discloses the potential or perceived conflict of interest in writing to their line manager
If employee does not want to reveal details to line manager they should seek advice from Head of HR.
Line manager assesses whether a conflict exists
No conflict
Conflict may exist
Meeting to agree suitable solution
Employee takes no part in activity relating to the potential or perceived conflict until the matter is resolved.
If line manager is unable to resolve the matter (or where the line manager also has a conflict of interest), refer to senior manager
No conflict of interest or not sufficient to be of any concern to the organisation
Agreement to allow activity to continue with modifications
Employee not to be involved in any relevant activity, removing the conflict of interest.
End of process
If the employee is dissatisfied with the decision they should follow the Grievance Policy and Procedure