

THE ORCHARD PROJECT



Conflict of Interest Policy

About us

The Orchard Project is a small but national charity, established in 2009, dedicated to creating a skilled community of orchardists to plant, care for and harvest fruit trees, connecting urban communities and increasing access to fruit. We work with people from all walks of life, with a specific focus on those living in poorer, inner city areas. We have already made a big impact in London and are being seen as the urban orchard experts. Each year we are engaging approximately 5,000 people in orchard related activities. In 2017 we started offering accredited training in partnership with Crossfields Institute.

Introduction

The document outlines both our:

- broad approach to identifying and monitoring all actual/potential conflicts of interest that may affect The Orchard Project both now and in the foreseeable future; and
- the possible conflicts of interest that have been identified to date and the arrangements in place to prevent these from occurring.

It may from time to time be provided to the regulators upon request to satisfy them of our ability to comply with their requirements in relation to conflicts of interest and to prevent such conflict becoming 'Adverse Effects' (as defined by the regulators).

Definition of a Conflict of Interest

For the purposes of this policy we have adopted the definition used by the regulatory authorities in relation to conflict of interests. In essence a conflict of interest exists in relation to The Orchard Project where:

- its interests in any activity undertaken by it, on its behalf, or by a member of its staff have the potential to lead it to act contrary to its interests in the development and delivery of qualifications in accordance with the requirements of the regulator's Conditions of Recognition;
- a person who is connected to the development and delivery of qualifications at The Orchard Project has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in the development and delivery of qualifications and impact on our compliance with the requirements of the regulator's Conditions of Recognition; and
- an informed and reasonable observer would conclude that either of these situations was the case.

Overview

As an organisation that keeps all aspects of its business under review, individual teams are expected to identify and inform the Chief Executive of any actual/potential conflicts of interest that could impact The Orchard Project and which are not already identified in the table at the end of this policy.

In addition, project managers are required to manage and monitor any identified conflicts of interest that relate to their area of operations (as outlined in the table at the end of this document).

Should the status of any identified conflict, or the associated controls change, then the project manager should inform the Chief Executive so they can update, as required, the details in the table below.

Overall our compliance with regard to identifying and managing any conflicts of interest will be reviewed regularly by the Senior Management Team and the Board of Trustees.

Conflict of Interest Principles

In implementing our approach to identifying and managing actual/potential conflicts of interest staff are required to abide by the following principles:

- All staff must buy into and commit to identifying and managing all actual/potential conflicts of interest that may affect The Orchard Project and in doing so, raise possible conflicts of interest with the Chief Executive if in doubt;
- Staff must be proactive in the identification and management of conflicts of interest that may affect our effectiveness, level of regulatory compliance and/or reputation;
- Staff must be open about the nature of any potential/actual conflicts of interest and not try to hide or present them in a better light – managing conflicts of interest is about preventing issues from occurring that may impact on our operational effectiveness and/or regulatory compliance;
- Strive to identify and deal with conflicts of interest sooner rather than later; and
- Our controls to managing any potential conflicts of interest must be proportionate to the risks associated with the identified conflict(s)

Dealing with Conflicts of Interests and/or Breaches to the Procedures

Should any member of staff or a Trustee member believe there has been a breach of this policy, or unforeseen conflicts of interest emerge, the Chief Executive must be informed and an investigation carried out immediately along with a review of the associated procedures.

Should an external party feel there has been an actual conflict of interest involving The Orchard Project then they should raise the matter with the Chief Executive who will begin an investigation, (unless they have an involvement/interest in the allegation in which case it will be passed to the Chair of Trustees (or if required, an alternative member of staff or external party will be appointed to carry out the review). The outcome will be reported to the Board of Trustees. At all times we will ensure that personnel assigned to the investigation have the appropriate level of training and competence and they have had no previous involvement or personal interest in the matter.

If the breach is also classified as an Adverse Effect then the Chief Executive must promptly inform Ofqual in accordance with our procedure for dealing with Adverse Effects (see Governance Manual for further details). In so doing, she will inform Ofqual of the reasonable steps that we have taken or intend to take to prevent, correct or mitigate the Adverse Effect, including details of any reviews we are/will carry out.

Adverse Effect

An act, omission, event, incident, or circumstance has an Adverse Effect if it –

(a) gives rise to prejudice to Learners or potential Learners, or

(b) adversely affects – (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition, (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or (iii) public confidence in qualifications.

Contact us

If you have any queries about the contents of the policy, please contact our Education, Skills and Training Manager on 07714 745 408 or email her at jo@theorchardproject.org.uk.

Review Arrangements

The Orchard Project will review the policy and associated procedures annually as part of our self-assessment arrangements. It will be revised as necessary in response to feedback from our learners, centres, affiliates and regulators.

Policy Last Reviewed: July 2021

Next revision date: July 2024

Reviewed by: Education Skills and Training Manager, Jo Homan

Appendix 1: Conflict of Interest Procedures

Outlines **reasonable steps** to ensure that no conflict of interest has an Adverse Effect and/or that such effects are mitigated as far as possible for each **potential conflict of interest**, along with an identification of **who is responsible** for monitoring the process.

Potential Conflict of Interest

Members of the Board of Trustees or SMT, may unduly influence decisions so as to ensure a personal or commercial material benefit (e.g. in relation to interests they may have which are external to The Orchard Project).

Reasonable Steps

Senior staff including Board members, are required to declare any interests in the Register of Interests on appointment. Non-executive staff such as Trustees must also make an ongoing annual declaration on the Declaration of Interest form to further identify potential or actual conflicts of interest that may have emerged in the interim period.

Staff Reviews All employed staff are regularly expected to complete a Declaration of Interest Form to declare any conflict of interest.

Regular meetings All board members and staff in attendance at The Orchard Project board meetings will be required to declare, at the beginning of a meeting, any private interest which s/he has in an item to be discussed, and certainly before any discussion of the item. This 'declaration of possible conflicts of interest' is a standard item on all agenda.

In doing so they will then abstain from any vote/decision that may pose a conflict of interest to the member – especially where they may directly or indirectly receive a material benefit from the decision or have a conflict in loyalties (eg their overriding duty is to act in the best interests of the other party). They may be allowed to engage in the discussion if the others members do not object and the possible conflict is already known to the rest of the attendees.

Agenda items that are confidential and would cause a conflict of interest if raised in front of all members of the meeting are discussed outside of the meeting in one to one meetings with the member deemed to have a 'conflict' excluded from the discussions. All decisions under a conflict of interest will be recorded by the meeting minute taker and reported in the minutes of the meeting with details of:

- the nature and extent of the conflict;
- an outline of the discussion; and
- the actions taken to manage the conflict.

Access to documentation that is deemed confidential and may lead to a possible conflict of interest are restricted in their circulation before and after the meetings.

Also where a group has a member who also works for The Orchard Project will ensure that any reports/issues presented to the group that relate to specific centres will be anonymous in that they will have centre names removed/redacted.

Responsibility

Chief Executive

Potential Conflict of Interest

Investigations into possible conflicts of interest into direct/indirect members of The Orchard Project are carried out by someone who may have a vested interest in the outcome.

Reasonable Steps

The Orchard Project ensures that all complaints are reviewed by the Chief Executive and s/he is responsible for assigning a relevant member of staff to lead on and be involved in the investigation.

At all times s/he will ensure that the personnel assigned to the investigation will have the appropriate level of training and competence and have had no previous involvement or personal interest in the matter.

Responsibility

Chief Executive

Potential Conflict of Interest

Staff may have a conflict of interest that impacts on their ability to carry out their role appropriately, consistently and with integrity.

Reasonable Steps

All staff at The Orchard Project are committed to carrying out their role to the best of their ability and are aware of the need to identify and manage any potential conflicts of interest.

As mentioned above, staff and members of the Board of Trustees must declare any possible conflicts they have in the Register of Interests upon starting work with The Orchard Project. The Register of Interests should also be updated should their circumstances change by completing and submitting a new Declaration of Interest form (see Appendix 2). The Head of Programmes is responsible for maintaining the Register of Interests (a copy of the Register is in Appendix 3).

Responsibility

Chief Executive

Potential Conflict of Interest

Staff involved in the design of assessments knowingly or unknowingly disclose confidential information about the assessments to unauthorised individuals or organisations or at external events (e.g. at training events).

Reasonable Steps

All staff at The Orchard Project are committed to carrying out their role to the best of their ability and are aware of the need to identify and manage any potential conflicts of interest. Their work is subject to review by their line manager to ensure that they have carried out their role effectively and consistently in accordance with agreed expectations.

Third parties (such as consultants) sign appropriate confidentiality and/or non-disclosure agreements as part of their contract or as part of a separate document. The recruitment process and/or agreement seeks to protect the confidentiality of our assessment arrangements via:

- confidentiality clauses that aim to ensure that such confidentiality is maintained; and
- a clause that ensures they must not provide or endorse any prohibited training, and do not provide or endorse any prohibited training.

Should an issue arise that suggests a conflict of interest or a breach of confidentiality has occurred, and where there are reasonable grounds for that suspicion or allegation, the Chief Executive will be informed and will investigate rigorously and effectively. S/he will appoint, someone of appropriate competence who has no personal interest in its outcome. The investigation will, so far as possible, establish whether or not a breach of such confidentiality or conflict of interest has occurred and highlight the action(s) that need to be taken.

Responsibility

Chief Executive

Potential Conflict of Interest

Ensuring assessments are not undertaken by any person who has a personal interest in the result of the assessment (e.g. someone assessing the work of a family member; or someone whose pay is influenced by positive assessment results).

Reasonable Steps

The Orchard Project will follow guidance on how to manage and prevent conflicts of interest from occurring in assessment undertaken at the centre and which will state that centres are not permitted to offer financial reward for any of its staff involved in the assessment of learners in respect of the assessment outcomes of those learners (other than normal pay associated with the role of assessors, etc) that may lead to doubts about the integrity of their decisions. Such a practice, where it is found or suspected, may be treated as malpractice and dealt with through The Orchard Project's Malpractice and Maladministration Policy.

Responsibility

Chief Executive

Potential Conflict of Interest

Ensuring that all contracted staff (eg unit writers and consultants) sign appropriate service agreements/contracts that include relevant clauses that govern confidentiality and ownership of information, and prevents them from trading on the name of Crossfields Institute or The Orchard Project or offering services or advice to learners or centres based on information they obtained whilst working at The Orchard Project.

Reasonable Steps

All external parties recruited for specific activities will be required to sign an appropriate service agreement/contract which includes a non-disclosure agreement, with the normal process being to invite them to respond to a tender/work specification, shortlisted and interviewed before a final selection is made based on the relevant experience, expertise and track record.

- They will be asked to declare any conflicts of interest in accordance with their duty of confidentiality and/or any other legal duty.
- Their work will be monitored by their line manager to ensure they operate effectively and in accordance with the expectations for the role they have been recruited for and to ensure that, if they have an external role outside of their Orchard Project activities, they do not take any actions that are contrary to interests of The Orchard Project in the development or delivery of our qualifications. In addition, at regular meetings there will be a standard agenda item to declare any new potential/actual conflicts of interest that may have occurred in the interim period.

Responsibility

Chief Executive

Potential Conflict of Interest

Ensuring staff do not receive undue gifts or hospitality that may affect their judgment or be considered by others as impacting their judgment.

Reasonable Steps

Hospitality of any kind which might reasonably be seen to compromise an employee's personal judgment or integrity and be viewed as exerting influence to obtain preferential consideration should be refused. Staff must not allow themselves to be put in a position that might be deemed by others to have been influential in making a business decision as a consequence of accepting hospitality. Offers of one off gifts should be politely but firmly declined. If they are pressed, the recipient should inform their line manager and the Chief Executive. Gifts of low intrinsic value such as calendars, diaries, flowers or chocolates need not be regarded as subject to this rule. In cases of doubt, the line manager and/or Chief Executive should be consulted.

Responsibility

Chief Executive

Appendix 2: Declaration of Interest Form

Each member of our staff, including members of the Board of Trustees must complete the following template to help ensure The Orchard Project actively identifies and manages any potential conflicts of interest. This must be signed on appointment and at each annual review.

Name _____

Title/role _____

Details of any external interests that may lead to a possible conflict of interest occurring.

Signed _____

Date _____

Appendix 3: Register of Interests

This Register of interests will be reported to the Chief Executive alongside their review of our Conflict of Interests policy.

Name	
Date	
Conflict title	
Conflict details	
Conflict controls	
Notes	

Name	
Date	
Conflict title	
Conflict details	
Conflict controls	
Notes	