

Conflicts of Interest Policy

Objective

telc requires all of its employees, staff and third parties providing services to it to carry out their duties and activities associated with their work with the utmost integrity and professionalism, which includes the avoidance of situations giving rise to actual or potential conflicts of interest. This policy sets out the expectations regarding real and potential conflicts of interest and the procedures to be followed in the event of a possible conflict of interest arising.

In the event that a conflict of interest does arise, telc will follow the procedures in this policy to ensure that both telc and its candidates (learners) are protected, and to maintain public confidence in telc qualifications.

Scope

This policy applies to:

1. All telc employees on the payroll and all contractors, agency or temporary workers.
2. All consultants and other service providers, including examiners, engaged by telc in the development, delivery or award of its qualifications and examinations.

Separate procedures are in place to manage conflicts of interest at board level in accordance with the company's Articles of Association.

Aims of the Conflicts of Interest Policy

This policy is designed to ensure that work is carried out for or on behalf of telc that is free from improper influence and is independent, fair and devoid of bias. In so doing, telc ensures the integrity of its qualifications and the rights of candidates (Learners).

All persons to whom this policy applies must avoid making decisions or handling matters where they have an interest that might influence, or be perceived to influence, their judgment. They must also avoid putting themselves in a position where there is or may be a conflict between the duties required as set out in their contract with telc and their own private interests.

Consequences of Breach of this Policy

Compliance with this policy is mandatory. Breaches may result in:

1. Disciplinary proceedings up to and including dismissal for employees.
2. Immediate termination of contract for a consultant, contractor or other service provider.

What is a Conflict of interest?

In its General Conditions of Recognition (Condition A4), Ofqual states that a conflict of interest exists where:

1. The interests of an awarding body in any activity undertaken by it or on its behalf have the potential to lead it to act contrary to its interests in the development, delivery and award of its qualifications;
2. 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;
3. An informed and reasonable observer would conclude that either of these situations is the case.

Put simply, a conflict of interest is a private interest which might influence a person's judgment in carrying out his contractual duties for *telc – language tests* and thereby undermine the actual or perceived independence and integrity of *telc – language tests*.

Examples of Conflicts of Interest

- A personal relationship, whether or not declared. This might include a close professional relationship, friendship, a family tie (e.g. cousin, niece, nephew etc.), a romantic relationship etc.
- A contractual relationship, for example, where an examiner is also a candidate's tutor or in the employ of the centre where he/she is conducting examinations.
- A relationship where one individual is beholden to the other. For example, this might occur where gifts or hospitality have been exchanged or money has been borrowed or bribes accepted (on telc's policy on bribery see further below).

Procedures to be Followed to Identify Possible Conflicts

Employees

Contracts of employment contain an express clause prohibiting employees from having any conflicts of interest with their employment at telc.

If you are an employee and you find that your circumstances have changed since entering into your contract of employment, you must inform your Team Leader or the Managing Director of any potential conflict as soon as possible.

Examination Centres, Examiners and other Service Providers

Service providers will either be prohibited from having any conflicts of interest with telc in their contract of services or, where a conflict cannot be avoided, will be required to declare any conflicts of interest at the time of entering into their contract.

If you are a service provider and you find that your circumstances change after entering into your service contract with telc, you should inform your first point of contact at telc of any potential conflict as soon as possible.

In the case of examiners, examiners will be asked to declare any conflicts of interests at the time of their appointment by entering this information onto the relevant page of the Examiner Portal on telc Online and thereafter to keep their details updated if their circumstances change.

Procedures to be Followed in the Event of an Unforeseen Conflict of Interest Arising

Where you encounter an unexpected actual or perceived conflict of interest, you need to raise it immediately with your first point of contact at telc and, in any event, before you conduct the activity affected by the conflict of interest.

For example, if you are an examiner and find yourself presented with a candidate that you are related to or is otherwise linked to you through a personal or professional connection, you should raise this conflict immediately with telc.

Where you discover the existence of an actual or possible conflict of interest after the activity to which the conflict might apply has taken place, you will again need to inform a Team Leader, Senior Examiner or first point of contact at telc immediately. You will be asked to make a record of the activity and the fact that you were unaware at the time of any conflict of interest and provide details of when and how you became aware of the conflict.

Addressing a conflict of interest is the responsibility of the Senior Officers and Team Leaders. They are obliged to:

- Treat the information disclosed by the employee with appropriate confidentiality and without bias
- Fairly evaluate the conflict of interest situation disclosed by the employee, including the risks to the business interests and reputation of telc gGmbH
- Seek guidance if needed from the Managing Director and Supervisory Board and from supporting functions, including Legal, HR, and Integrity & Compliance
- Make a pragmatic decision to address the conflict of interest so that risks to telc gGmbH are minimised and the personal interests of the employee are protected as far as possible
- Communicate the decision and its reasoning to the employee and follow up to ensure the employee understands and complies with it

Each involved party should retain documentation of the decision using the standard Conflict of Interest Disclosure Form and each should receive a copy thereof.

In the event that a conflict of interest has an adverse effect on any candidate, telc will take steps to ensure that these candidates are not penalized unnecessarily and that the value of a telc qualification already gained will not be diminished.

Overlap with Other telc Policies

Conflicts of interest fall within the scope of a number of telc's other policies and anybody who thinks they have a conflict of interest falling into any of the examples listed above should also refer to:

- telc's Code of Conduct which covers personal relationships between members of staff.
- telc's Bribery and Anti-Corruption policies which set out telc's stance on bribery and corruption for telc's employees and independent service providers.
- telc's Maladministration Policy, which sets out telc's position on accepting gifts and hospitality for employees, contractors and consultants.

Data Protection and Disclosure

telc does not wish to collect or retain private information about its employees' or service providers' interests unless they are relevant to their role at or for telc. Relevant information will be retained only for as long as it remains relevant.

Please be aware that information and records concerning actual or potential conflicts of interest may be made public by telc in order to protect its reputation and integrity. They will also be made public if there is a legal obligation to disclose them.

Approved on November 7, 2017