



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Managing potential conflicts of interest in relation to inspection work

September 2017

Contents	Page
-----------------	-------------

1 Introduction **1**

Principles
Why manage conflicts of interest?

2 To whom does this policy apply? **2**

3 What is regarded as a conflict of interest in relation to inspection work? **2**

Preclusion rules

4 Inspector's responsibility to declare preclusions **3**

When should an inspector declare a preclusion?
How to declare a preclusion

Version control	Date	Author	Comments
V1	October 2012	Phil Sweeney	Initial version
V2	July 2014	Lisa Jordaan	Amendments to the preclusions table and general update
V3	August 2017	Lisa Jordaan	Policy updated for the use of inspectors only and updates to the preclusions table.

1 Introduction

Principles

- 1.1 Estyn expects anyone employed, engaged by or working on behalf of the organisation to exhibit the following values:
- integrity
 - selflessness
 - accountability
 - openness
 - honesty
 - objectivity
 - impartiality
 - leadership
- 1.2 Those who work for or on behalf of Estyn must not put themselves or Estyn in a position where an individual's previous employment, personal relationships or private interests might seem to undermine these values. Therefore, all those in scope of this policy must uphold a professional obligation to declare any potential conflict of interest when carrying out work for Estyn and must adhere to the conditions or measures put in place to uphold the individual's reputation as well as public trust in Estyn's work.

Why manage conflicts of interest?

- 1.3 Identifying and resolving conflict of interest situations is crucial to good governance and maintaining trust in the integrity of Estyn inspections. For an inspector, having an apparent conflict of interest can be as serious as having an actual conflict, because of the potential for doubt to arise about the inspector's integrity.
- 1.4 This policy sets out how Estyn will manage potential conflicts of interest and minimise the risk of the perception of partiality in relation to inspection work. All conflicts and potential conflicts, whether real or perceived, **should** be disclosed and recorded as soon as possible and **must** be disclosed before confirmation of deployment of an individual by Estyn to an inspection. If an inspector is in any doubt, or requires further advice, they should contact Estyn as soon as they become aware of the potential conflict.
- 1.5 In cases where a provider makes Estyn aware of a potential conflict of interest, for example at the time details of the inspection team are shared with the provider, Estyn will discuss the matter with the relevant inspector.

2 To whom does this policy apply?

- 2.1 This policy applies to all individuals who Estyn expects or anticipates will undertake inspection work for the inspectorate, including:
- Estyn employees and secondees (prospective and appointed)
 - additional inspectors including registered, team and lay inspectors
 - peer inspectors (PIs) and challenge adviser inspectors (ChAIs)
 - Estyn corporate services staff members who undertake training in the role of a lay inspector
- 2.2 All staff and inspectors working for Estyn are required to maintain appropriate confidentiality with regard to unpublished information about inspections.

3 What is regarded as a conflict of interest in relation to inspection work?

- 3.1 Generally, where an inspector has a current or recent previous employment, personal relationship or private interest associated with a particular provider there is a potential conflict of interest. The following 'preclusion rules' will be applied when making decisions about deployment of an inspector to an Estyn inspection. However, all inspectors should use their professional judgement to identify any potential conflict of interest that might not be covered by these preclusion rules. For example, an inspector might have left employment with a particular provider more than three years ago but might feel that a longer preclusion period would be more appropriate.

Preclusion rules

- 3.2 An individual will not be deployed to inspect a provider if any of the following is applicable:

Employed by an education consortia

If the **inspector** is currently employed or has previously worked for the provider (including working in a consultancy/advisory role, for example under a contract for services) within the previous **two** years, the inspector will be precluded from inspecting the provider and the associated local authorities.

Employed by the provider

If the **inspector** is currently employed or has previously worked for the provider (including working in a consultancy/advisory role, for example under a contract for services) within the previous **three** years, the preclusion will be against the provider and its associated local authority.

Family member employed or involved with a provider

If a **family member*** is currently employed or has previously worked for the provider (including working in a consultancy/advisory role, for example under a contract for services), a direct social or professional involvement in the affairs of the provider, for example is or has been a pupil/student, governor, adviser or contractor within the previous **two** years, the preclusion will be against the provider.

Social or professional involvement with a provider

If the **inspector** has a direct social or professional involvement in the affairs of the provider, for example is or has been a pupil/student, governor, adviser or contractor within the previous **three** years, the preclusion will be against the provider.

* 'Family members' is defined as parent, sibling, spouse/partner and/or child. With the exception of relatives who undertake periods of short-term, casual supply work in a school or have very occasional links with a school, for example acting as a member of a theatre in education group or providing an afternoon coaching in a sport creative activity.

4 Inspector's responsibility to declare a preclusion from inspection

When should an inspector declare a preclusion from inspection?

- 4.1 All Estyn inspectors, as identified in para 2.1, are required to declare any preclusions at the earliest possible opportunity. Inspectors should not wait until the point of deployment before declaring any changes to their preclusions as this can lead to a requirement for Estyn to seek substitute inspectors at short notice, which can cause unnecessary disruption and additional administration. If an inspector only becomes aware of a preclusion or other potential conflict at the point of being notified of deployment then it is essential that he/she informs Estyn immediately.

How to declare a preclusion

- 4.2 Information about preclusions must be recorded by individual inspectors within their Inspector Profile record. The Inspector Profile information is linked to Estyn's inspection planning and deployment system, which checks the inspector's details with the provider details and preclusion rules in order to flag a preclusion case.
- 4.3 It is therefore important that inspectors update their Inspector Profile record with all preclusion and other information, e.g. contact/personal details, as and when they change. If it is not possible to access the Inspector Profile system then please contact Estyn via email or telephone for assistance.
- 4.4 You can use the following links to access the [Inspector Profiles system](#) and [Inspector Profiles guidance](#). Inspectors will be asked to confirm that they have checked and updated their Inspector Profile record prior to being deployed on an inspection.
- 4.5 Contracted Additional Inspectors (CAIs) should ensure that their preclusions are up to date at the time they submit tender bids for inspection contracts. As a condition of acceptance of contract award (when details of the date of an inspection and the

provider name are supplied to the contractor) a CAI will be required to confirm that there is no preclusion that should apply to the inspection. Conditions of contract for additional inspectors can be found on the Estyn website: [Reporting Inspectors / Additional and team inspectors](#).

- 4.6 For further information or if you have a query about this policy please contact the Estyn Planning team by phone (02920 446305) or email: Planning@estyn.gov.wales.