

**STUDENT SUPPORT INFORMATION NOTE
(SSIN 10-16)**

**ARRANGEMENTS FOR STUDENTS FUNDED
UNDER THE EDUCATION (STUDENT
SUPPORT) REGULATIONS**

**SSIN [10-16]
December 2016**

To: Student Finance administrators and practitioners in institutions of higher education;
DSA assessors, assessment centres and suppliers;
Student Finance advisors, and
The Student Loans Company

Dear Colleagues

Updated guidance on managing Conflicts of Interest in Disabled Students' Allowances (DSAs) – including providers supplying Non-Medical Help

Introduction

1. The Department for Education (DfE) needs assurance that any conflicts of interest in the DSAs process are managed in such a way as they do not create a risk or perception of poor value for money or impropriety. This document sets out DfE's policy on identifying perceived and actual conflicts of interest and guidance on managing them.
2. DfE requires the highest level of transparency to demonstrate that conflicts of interest are managed in a way that does not undermine the probity and accountability of DSAs, or of those administering DSAs. Institutions and disability or student advisors, assessors and assessment centres, and providers and suppliers of DSA-funded support must be aware of the high ethical standards expected of them when dealing with public funds, and will need to act in accordance with this note.
3. In issuing this guidance, the Department has drawn on advice from the National Audit Office.

Principles

4. The Government expects public funds to be used fairly, transparently, and for the purpose intended. DfE requires that everyone administering, distributing or using

public funds maintains the highest standards of probity. There is an obligation to ensure that duties with regard to public funds are carried out:

“...in the spirit of, as well as to the letter of, the law; in the public interest; to high ethical standards; achieving value for money.”

Managing Public Money (HM Treasury)

5. DfE wishes to give discretion and freedom to individuals involved with DSAs to engage in business activities, but in so doing needs to put in place a mechanism to protect public funds, stakeholders, students and itself from reputational damage and other liabilities. In summary, this Conflict of Interest guidance provides for three key principles:

- Disclose always
- Manage the conflict where possible, and if not
- Prohibit the activity when necessary to protect, and be seen to protect, the public interest.

What is a conflict of interest?

6. A conflict of interest arises where an individual’s ability to exercise judgement is, or could be, impaired by their involvement, or association with another person, in another role or activity: in other words a conflict of interest will arise where a person with responsibility for public funds is in a situation where their ability to adhere to the high standards expected could, because of their other interests, be called into question.

7. There is a common misconception that this only includes financial interests. However, *any* interest or relationship, action or omission, that could throw doubt on an individual’s ability to achieve the standards expected, or that cast a doubt on that person’s impartiality, will constitute a conflict of interest. Non-financial interests may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual's career, or gain to immediate family (or a person with whom the person has a close personal relationship).

8. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. Thus, it is important for all involved when evaluating a potential conflict of interest to consider how it might be perceived by others. The duty to declare a possible conflict applies to the perception of the situation rather than the actual existence of a conflict.

9. Anyone making decisions about the administration, distribution or use of public funds must at all times be conscious of any relationships or links they have, or any actions they take or do not take, that could mean that their impartiality or probity is or could be thrown into doubt. This includes any relationships or links – including

personal, financial, business, or familial - that could be seen to have an influence on their decision making.

10. For DSAs this would usually (but not exclusively) be where those relationships or links give an individual or organisation an actual or perceived unfair advantage or financial gain. Examples of behaviours that would be indicative of ineffective management of a conflict of interest include:

- A needs assessor 'gold plates' (i.e. over-recommends) the support package for students to ensure their university keeps referring students to them for assessment. This represents a conflict of interest between the assessors' public duty to distribute public funds fairly, and their business interests. It also gives that needs assessor an unfair advantage over other needs assessors.
- A university receives payment of a referral fee from an assessment centre for any student from that university who attends for assessment. Not only does this throw doubt on the assessment centre's relationship with the university, but also on the university's impartiality towards its students, both of which constitute a conflict of interest.
- An assessment provider has a financial interest in a Non-Medical Help (NMH), equipment or assistive technology supplier. This creates a perception that the supplier is given preferential treatment in the allocation of help to students, and that, therefore, the supplier gains financially from the relationship. Although it may only be a perception, this is still a conflict of interest and the assessment provider and the supplier would need to demonstrate how they manage that relationship to ensure that impartiality is maintained – which may not be possible in some cases.
- Individuals in assessment centres, or in providers and suppliers of DSAs funded support, also have family members working within other DSA organisations or bodies. This creates a perception that the bodies involved are given preferential treatment in the allocation of support for students, and that there may be financial gains from the relationship. In such a situation both individuals should declare personal and potential financial conflicts of interest.

11. This is not an exhaustive list and it is vital that any relationships or links, however small, are identified and managed. Assessment centres are responsible for selecting appropriate quotes for NMH. Whilst the final decision on which quote to select lies with the SLC, assessment centres still have a responsibility to ensure that the quotes submitted to the SLC have been selected without the influence of any conflicts of interest or biases.

12. Any future changes to the DSAs landscape may give rise to new or unforeseen conflicts of interest and this process must not be seen only as a one off exercise, but as an on-going issue to be managed.

Declaration of interests

13. DfE will require all Assessment Centres, Assistive Technology and Service Providers and NMH suppliers to maintain a comprehensive and up-to-date statement of interests and submit it to DSA QAG. This is to ensure that DfE is able to satisfy itself that all DSAs funding is being distributed in a fair, open and transparent manner.

- **DfE requires that all Assessment Centres, Assistive Technology and Service Providers and NMH suppliers will have submitted a Conflict of Interest Statement with regard to their DSAs work and thereafter on an annual basis.**

14. This will be through a revised pro-forma which will be issued by DSA QAG in due course. A sample of this is included as Annex 1. The statement will be maintained by, and responsibility for completion of the statement and notification of changes to the statement will rest with, a named senior responsible person within the organisation. This person will also be responsible for reviewing the register once a year. All statements must be available to DfE or its agents, who will undertake sample checking.

15. All declarations of interest will contain the following wording above the signature block:

- I understand that no interests, associations or activities can affect the way that advice or assessments for Disabled Students' Allowance are given, or services or equipment provided.
- I have declared all conflicts of interest including potential conflicts within this organisation in this statement.
- I have documented any steps taken to manage any conflicts declared and provided those documents with this statement.

16. Any changes to the statement must be updated and submitted to DSA QAG within the following timescales:

- Updated within 10 days of the award of a new contract, agreement, etc. or the way DSAs services are delivered which changes the Conflict of Interest statement in any way
- Updated within 10 days of a member of staff identifying a new or changed conflict, including new staff members starting who have an identified conflict

- Updated within 10 days of any changes to the management of existing conflicts

DfE requires that all statements will be reviewed and confirmed annually.

Managing conflicts of interest

17. The onus is on everyone dealing with public funds to identify where conflicts of interest could occur, and also to take any necessary steps to manage them. This is of paramount importance in maintaining public confidence in the equity of the DSAs system.

18. We expect all organisations to seriously consider management of any conflicts of interest, but it is for individuals and organisations to consider *how* to manage these in a balanced and appropriate manner. However, steps must be taken to ensure that any decision making can be seen to be impartial, transparent and robust. Any steps taken must be clearly documented and details must be provided with the Conflict of Interest statement.

- **DfE requires that all Assessment Centres, Assistive Technology and Service Providers and NMH suppliers will have documented clearly any actions taken to identify and to deal with conflicts of interest. Details of actions taken will be provided with the Conflict of Interest Statement.**

19. It will be particularly important that those who have not previously considered their DSAs role in the light of conflict of interest to consider any relationships or links they have. We will wish to see proof of how conflicts are monitored and managed, and we will issue guidance on good practice shortly.

20. As an example, the following extract shows how Government officials are expected to deal with conflicts of interest:

“Sometimes an accounting officer faces an actual or potential conflict of interest. There must be no doubt that the accounting officer meets the standards described...without divided loyalties. Possible ways of managing this issue include:

- for a minor conflict, declaring the conflict and arranging for someone other than the accounting officer to make a decision on the issue(s) in question;
- for a significant but temporary conflict, inviting the Treasury (or the sponsor department, as the case may be) to appoint an interim accounting officer for the period of the conflict of interest; or
- for serious and lasting conflicts, resignation.”

Managing Public Money (HM Treasury)

21. DfE expects all individuals and organisations dealing with DSAs to be applying similarly strict standards to their administration of public funds. Mitigating actions that organisations or individuals might take include, for example, encouraging individuals to recuse themselves where a real, potential or perceived conflict of interest is identified, or by having regular sample checking of decisions made by an alternative person. It is an organisations responsibility to ensure that they are able to demonstrate clear and open processes for maintaining transparency.

Ensuring compliance

22. DfE considers that compliance with any guidelines issued about conflicts of interest is key to ensuring that public funds are distributed correctly. DfE may, at any time, require any organisation or individual with a role in assessing DSAs to provide such information as DfE may request in connection with a conflict of interest or possible conflict of interest.

23. DfE may, at any time, instigate an investigation into any organisation or individual with a role in assessing DSAs sector where DfE considers there may be a conflict of interest or a potential conflict of interest. In particular, DfE may instigate an investigation where an organisation or individual has not declared a conflict or potential conflict or where DfE considers the arrangements for managing a conflict or potential conflict are inadequate or are not being complied with.

- **If DfE considers anyone involved in assessing DSAs, providing assistive technology and services or supplying NMH has failed to meet the required standards set out in this note, DfE will take appropriate remedial action.**

24. Where DfE considers it appropriate this action may include any or all of the following:

- (a) a requirement to take mitigating actions,
- (b) suspension of accreditation to provide DSAs related services, or
- (c) withdrawal of accreditation to provide DSAs related services

25. Where the ability to provide DSA related services is suspended or withdrawn, an organisation or individual will not have access to Disabled Students' Allowance funding.

26. Finally, anyone concerned that conflicts of interest are not being declared or managed appropriately can contact DSA QAG directly with details. This information will be treated with the strictest confidence, shared only on a very restricted basis with senior managers at DfE to decide how it should be acted upon. Any disclosures will be investigated as quickly as possible and handled fairly and responsibly. The

identity of the individual who raised the concern will not be revealed without their permission.

Outline details of the conflict of interest statement
(Note: Sample only - do not complete this form)

1	Name of organisation	<input type="text"/>
2	Name of person completing statement	<input type="text"/>
3	Position in organisation	<input type="text"/>
4	Do you or anyone in your organisation have any interests or connections with any other DSA organisations or individuals?*	<input type="checkbox"/> No. Go to question 8 <input type="checkbox"/> Yes. Go to question 5
5	Please state the nature of those interests or connections. Please continue on a separate sheet if necessary.	<input type="text"/>
6	Please state the names and positions of all members of your organisation affected. Please continue on a separate sheet if necessary.	<input type="text"/>
7.	<p>Please provide brief descriptions of the steps taken to manage these conflicts of interest.</p> <p>Please provide documentary evidence of the steps you have taken to ensure these conflicts of interest are appropriately managed, and then go to question 8</p>	<input type="text"/>
8	This document must be signed by the person named in question 2 above, who should read the statement below, then sign and date in the boxes provided.	
<ul style="list-style-type: none"> • I understand that no interests, associations or activities can affect the way that advice or assessments for Disabled Students' Allowance are given, or services or equipment provided. • I have declared all conflicts of interest including potential conflicts within this organisation in this statement. • I have documented any steps taken to manage any conflicts declared and provided those documents with this statement. 		
Signature <input type="text"/>		Date <input type="text"/>

* This includes any connections, relationships, associations or links - personal, financial, business, or familial