

Kaplan SQE Limited

Solicitors Qualifying Examination (SQE)

Conflict of interests and confidentiality policy

1. Introduction

- 1.1. Kaplan SQE Limited (Kaplan SQE) has been appointed by the Solicitors Regulation Authority (“SRA”) as the sole provider of the Solicitors Qualifying Examination (“the Assessment”) and the End Point Assessment Organisation (“EPAO”) for the Solicitor Apprentices.
- 1.2. This policy sets out the principles to which we, Kaplan SQE, will adhere, and the actions we will take, to identify, manage and mitigate any actual, potential or perceived conflicts of interests during the development, delivery and marking of the Assessment.
- 1.3. The purpose of this policy is to promote the recognition of actual, potential or perceived conflicts of interests and encourage their disclosure so that we may take appropriate action to protect the integrity and validity of the Assessment.

2. Scope and review

- 2.1. Paragraphs 4 - 5 of this policy apply to Examiners, the definition of which is “a person who writes, conducts or scores part or all of an Assessment or who is involved in the standardisation of an Assessment or the standard-setting procedure”. It includes persons who work on a freelance and/or consultancy basis.
- 2.2. Paragraph 6 applies to Kaplan SQE and its group companies and to organisations with which we have sub-contracted to assist in the delivery of the Assessment.
- 2.3. We will review this policy and associated procedures annually.

3. Definition

- 3.1. A conflict of interests is any situation in which we, or anyone within the scope of the policy in paragraph 2 above, has a competing interest, obligation or

loyalty which may, or which gives the appearance that it may, compromise the integrity of the decisions that are made and actions that are taken.

3.2. A conflict of interests in the context of this policy means any of the following:

- 3.2.1. an actual conflict of interests (i.e. one that has arisen)
- 3.2.2. a potential conflict of interests (i.e. one that may arise)
- 3.2.3. a perceived conflict of interests (i.e. one that gives rise to a perception that a conflict of interests exists or may arise).

3.3. All references in this policy to a conflict of interests are deemed to include any actual, potential or perceived conflict of interests.

3.4. A conflict of interests may arise in a number of ways. The following are examples of situations or arrangements where a conflict of interests may arise. It is not an exhaustive list:

- 3.4.1. a personal relationship with or connection to a person affected or potentially affected by the decisions or actions to be taken (this would include family members, close friends and work colleagues)
- 3.4.2. a financial interest, or the anticipation or expectation of a future financial interest, including the prospect of employment or engagement
- 3.4.3. accepting gifts or hospitality
- 3.4.4. being involved in the training of any individual in preparation for the Assessment, including the training of a Solicitor Apprentice
- 3.4.5. having a connection with, or being employed in the same organisation as, a Solicitor Apprentice.

4. Disclosure and managing conflict of interests of Examiners

4.1 Every Examiner engaged by us:

- 4.1.1 will receive a copy of this policy and any explanatory material
- 4.1.2 will be contractually obliged to disclose to us any conflict of interests on appointment and at least annually thereafter by completing the Conflict of Interests Declaration Form ([link](#)). Where no conflict of interests exists, a declaration to that effect must be made by the Examiner

- 4.1.3 will be contractually obliged to report any conflict of interests to us as soon as he or she becomes aware of it (in addition to the obligation to disclose or declare on appointment and annually under 4.1.2).
- 4.2 In addition to the contractual obligations in 4.1, every Examiner engaged by us will be required to provide to us an undertaking that they will:
 - 4.2.1 not advertise their position as an Examiner or otherwise use their position as an Examiner to promote training or preparatory courses for the Assessment
 - 4.2.2 keep confidential all information relating to the Assessment.

5 Possible outcomes

- 5.1 All conflicts of interests declared or reported to us will be reviewed by the SQE Academic Director or by their nominee, a senior member of Kaplan SQE staff who is also a solicitor of England and Wales (practising or non-practising).
- 5.2 Our review will include taking into account the following:
 - 5.2.1 the nature of the conflict
 - 5.2.2 the nature of the activities being carried out or decisions being made
 - 5.2.3 the individual's involvement in the activity or decision
 - 5.2.4 how closely the interests concern each other.
- 5.3 Where it is determined that no conflict of interests exists, or that the issue is so slight or remote that it does not constitute a conflict of interests, the decision will be formally recorded in our Register of Interests.
- 5.4 Where it is determined that a conflict of interests does exist, the nature of the interest and the action to be taken will be recorded in our Register of Interests. The action taken may include (but is not limited to):
 - 5.4.1 re-assigning the decisions or activities to another person
 - 5.4.2 withdrawing the Examiner from the decisions or activities
 - 5.4.3 permitting the Examiner to continue subject to restrictions or conditions
 - 5.4.4 referring the matter to the SRA for review.

5.5 No person who is involved in the training of apprentices by having a connection with or being employed in the same organisation as a Solicitor Apprentice will be allowed to conduct, assess or mark any of those apprentices, except where the Examiner is marking an allocation of written answers which are pseudonymised and the Examiner has no means of distinguishing the identity of any individual candidate.

5.6 The Register of Interests is subject to inspection by the SRA.

6 Disclosure and managing organisational conflicts of interest

6.1 Kaplan SQE will not, and shall procure that its group companies, employees, and relevant subcontractors will not, directly or indirectly organise, run, participate or otherwise be involved in any training or preparatory courses for the Assessment without the prior written consent of the SRA (not to be unreasonably withheld).

6.2 It will be considered reasonable for the SRA to withhold consent under 6.1 where Kaplan SQE is unable to demonstrate to the SRA's reasonable satisfaction that there is no conflict of interests.