

Code of Conduct for Panels

Preamble

1. This Code sets out general guiding principles regarding potential conflict of interest, upholding of confidentiality and prevention of bribery for the chairs and members of HKCAAVQ panels conducting accreditation, review or other assessment activities (hereafter referred to generally as accreditation activity); and members of HKCAAVQ standing panels and committees.

Role of the panel

2. Panel members are reminded that the panel's role in any accreditation activity is to advise HKCAAVQ. The accreditation panel's views are regarded as recommendations to HKCAAVQ and HKCAAVQ is the final authority on the accreditation determination and the wording of the accreditation report. The panel's role is explained in more detail in the Guidance Notes for Panels, and panel members are expected to familiarise themselves with these notes before undertaking their role.

Conflict of Interest

3. A conflict of interest exists if the circumstances are reasonably believed to create a risk that a decision or recommendation may be unduly influenced by other, secondary interests. The existence of a conflict of interest is not dependent on whether a particular individual is actually influenced by a secondary interest. Even the appearance of a conflict of interest may undermine the integrity of the accreditation process. HKCAAVQ therefore requires panel members to be rigorous about avoiding actual or possible conflicts of interest.

4. Conflicts of interest may arise between panel members' role(s) assisting HKCAAVQ and their other activities.
5. If a possible or actual conflict of interest arises, panel members should advise HKCAAVQ as soon as they become aware of it, which may be either before, during or following an accreditation activity, and make full disclosure of the matter to HKCAAVQ.
6. If a possible or actual conflict of interest issue is identified in the course of a panel member's engagement in an accreditation activity, the panel member should immediately bring such matter to the attention of the respective panel chair and seek instructions. Depending on the circumstance, he/she may be required by the panel chair to withdraw from the accreditation exercise or be excused from the discussion or decision-making of a particular subject matter. In the event that the conflict of interest is considered by the panel chair to be immaterial or (in the case of the possible conflict of interest) the risk of any actual conflict of interest arising is remote, the panel member may be allowed to continue in the panel's work but details of the conflict and the reason for dispensing with the conflict of interest must be put on record.
7. It is however not intended that a panel member should make a declaration of interest simply because he or she has particular knowledge or experience on a subject matter.
8. For illustration, the following are examples of actual or possible conflicts of interest:
 - (a) The panel member was/is serving, with or without pay, as an adviser, examiner, consultant to the client organisation concerned; or he/she has recently been an applicant for a position (irrespective of whether the outcome is known to the applicant), or is a current applicant or intending applicant for a position in the client organisation.
 - (b) The panel member has any other close association/partnership with the client organisation concerned. Examples of such may include any joint commercial or professional activity carried out by the panel member in a personal capacity in conjunction with staff member(s) of

the client organisation concerned and who are closely associated with the accreditation activity, or any potential involvement of a similar nature.

- (c) The panel member has, as a barrister, solicitor, accountant or other professional adviser, personally or otherwise advised or represented or had frequent dealings with the client organisation concerned, or any person or body closely connected with the client organisation.
 - (d) There are ongoing legal proceedings between the panel member (or any person, business or organisation closely connected to the panel member) and the client organisation.
 - (e) Pecuniary interests in a matter under consideration by HKCAAVQ, whether held either by the panel member or by any close relative of his/hers.
 - (f) Kinship or some friendship which may be so close as to warrant declaration in order to avoid situation where any reasonable person may cast doubt that an advice from the panel member could have been influenced by the closeness of the association.
 - (g) Personal conflicts may also include animosity or any interest likely to lead any reasonable person to cast doubt that the panel member's advice might have been motivated by personal interest rather than a duty to give impartial advice.
9. For illustration, the following may not be considered as conflicts of interests:
- (a) It is known to HKCAAVQ, the panel and the client organisation concerned that a panel member is working in an organisation which is in the same industry, will enter the same industry in 6 months, is offering programmes or will in 6 months' time offer programmes in the same disciplines as the client organisation subject to accreditation by HKCAAVQ.

- (b) The panel member was a member of the board of examiners for the doctoral degree studies of the programme leader of the client organisation.
 - (c) The panel member and a member of the programme team of the client organisation briefly participated in the same voluntary service.
 - (d) The panel member and a member of the senior management of the client organisation were former classmates in a secondary school.
10. In order to avoid any conflict of interest or appearance of a conflict of interest, panel members should not, at any point in the accreditation process:
- (a) solicit, negotiate, accept or perform any consultancy or other paid or unpaid services for the client organisation concerned; or
 - (b) solicit, negotiate or accept any advantage, loan or hospitality from the client organisation concerned.

Upholding of Confidentiality

11. All information obtained or generated through the HKCAAVQ accreditation process is confidential and should be used solely for the purpose of the accreditation exercise concerned.
12. Panel members must treat as confidential any information or material made available to them either through HKCAAVQ or the client organisation for the purpose of conducting the accreditation exercise concerned. Panel members must not, without prior approval of HKCAAVQ, communicate or disclose any information collected during the accreditation activity or any views expressed by any member or any person involved in the accreditation activity to any third party outside the panel.
13. Panel members are entitled to ask for (and receive) through HKCAAVQ any information and explanation they reasonably require in order to perform their roles and duties in the context of an accreditation activity. However, commercially sensitive information should only be requested when

absolutely necessary and only to the extent strictly required for the accreditation activity.

14. Panel members should not request information which constitutes personal data within the scope of the Personal Data (Privacy) Ordinance (Cap. 486). Essentially, personal data is information relating to individuals within the client organisation. If panel members are given access to personal data by a client organisation during a site visit, they must not collect or retain any such personal data in any form. This includes taking notes, making physical or electronic copies or taking photos.
15. The materials and information obtained by panel members through HKCAAVQ, including those collected from the client organisation for the purpose of the accreditation exercise, shall remain the property of HKCAAVQ or the client organisation (as appropriate) and shall not be used for any purpose other than the accreditation exercise.
16. Panel members may make personal notes during the course of an accreditation activity in order to facilitate the performance of their roles in the accreditation exercise. These notes should not be divulged to any third party outside the panel.
17. Upon completion of the accreditation exercise and the issuance by HKCAAVQ of the accreditation report, panel members are required to arrange for the secure destruction of all personal notes and other records of information gathered in the accreditation process which is not in the public domain.

Prevention of Bribery

18. All HKCAAVQ Specialists / panel members are expected to be aware of and comply with the provisions of the Prevention of Bribery Ordinance (Cap. 201), which is applicable to HKCAAVQ. They are not to offer any advantage to HKCAAVQ staff in connection with their appointment as a Specialist / panel member and serving as a panel member. They must not solicit or accept any advantage, loan, hospitality or entertainment from an operator in relation to an accreditation activity that they are engaged in. Panel members

should not participate in entertainment (e.g. lunch and dinner) offered by an operator throughout the course of the accreditation activity until the issuance of the relevant accreditation report.

Reporting suspected criminal offences and irregularities

19. All instances of bribery or attempted bribery should be reported promptly to the Independent Commission Against Corruption of Hong Kong.
20. Any irregularities by employees of HKCAAVQ of which panel members become aware in the course of the accreditation exercise should be reported promptly to the Executive Director of HKCAAVQ in the strictest confidence.

HKCAAVQ
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