

EDUCATION FOR INDUSTRY AWARDS

Conflict of Interests Policy

Version 3.0

Summary of updates

Date	Changes made
Feb 25	Related Ofqual conditions added Enquiries, appeals and malpractice/ maladministration outcomes added to examples of conflicts of interest
Mar 26	Updated language to reflect the changes to apprenticeship assessment, e.g. replacing the term 'EPA'

Conflict of Interest Policy

Purpose

The purpose of this policy is to set out the approach to identifying, minimising and managing actual, potential or perceived conflicts of interest in relation to the delivery of apprenticeship assessment.

The policy has a formal role in discharging regulated duties as an organisation on the Register of Regulated Awarding Organisations and in relation to conditions laid out by Ofqual.

The policy supports EFI Award's compliance with the below Ofqual regulatory conditions:

Condition A4 – Conflict of Interest which covers:

- A4.1 & A4.2 – Identifying Conflicts of Interest
- A4.3 & A4.4 – Managing Conflicts of Interest
- A4.5 & A4.6 – Interests in Assessments
- A4.7 & A4.8 – The written Conflict of Interest policy
- A8.3 – Procedures relating to malpractice and maladministration investigations
- G4.6 – Maintaining the confidentiality of assessment materials
- I1.2 – Appeals process

Objectives

There are four overarching objectives of the policy and associated procedures:

- **Accountability.** The policy sets out key responsibilities for the various actors in relation to the identification and management of conflicts of interest.
- **Prevention.** A set of principles to guide actions to avoid or minimise situations where conflicts of interest may arise are provided.
- **Management & mitigation.** To ensure that clear, open and risk-assessed processes and procedures are in place to handle real or potential conflicts of interest where they have been declared, identified or otherwise arise.
- **Transparency.** To promote a culture of transparency, openness and trust in relation to discussing and appropriately treating conflict of interests.

Scope

The policy applies to:

- The organisation as a whole and those charged with oversight of the organisation and its duties (including governors).
- Any individual or party involved in the development, administration, coordination or delivery of assessments, or the production of assessment materials.
- Any other connected individual or party involved in undertaking assessment, however they may be contracted or engaged.

Definitions

A conflict of interest is a situation where competing individual or organisational interests could compromise the objectivity or impartiality of decisions in general and decisions that relate to duties of a recognised awarding organisation in particular. A negative impact in relation to assessment is described as an adverse effect. Conflicting interests may be real or perceived, relate to individuals or organisations and arise from financial and non-financial motivations. Current definition and guidance provided by regulators (e.g. Ofqual) are considered primary for this policy.

For the purpose of this policy a conflict of interest will be considered at a minimum where:

- Any activity undertaken by Education for Industry Awards, or any other organisations related by ownership or affiliation, has the potential to lead it to act contrary to its interests in the development and delivery of objective and impartial assessment services.
- A person who is connected to the development and delivery of assessment services has an interest in any other activity with the potential to lead that person to act contrary to objective and impartial conduct.
- An independent assessor, or anyone with substantive input into grading decisions, is not independent of an apprentice undergoing assessment.
- An informed and reasonable observer would conclude that any of these situations was the case.
- A person or people involved in an enquiry, appeal or malpractice/ maladministration that could have a vested interest in the outcome.

While it is not possible to list all scenarios in which a conflict of interest could arise, several examples of what could constitute a conflict of interest are given below:

- Where an individual has a formal, familial or social relationship to an apprentice or a group of apprentices undergoing assessment; for example, their line-manager is a relative or a friend.
- Where an individual delivers assessment of an apprentice where they have been involved in the delivery of that apprentice's programme of learning.
- Where an individual has interests that conflict with their professional position.
- Where an individual works, or takes on work, for an organisation that has interests contrary to the interest of the assessment organisation.
- Where an individual with a position of authority in the organisation undertaking assessment has interests that conflict with their personal and/or professional interests in another organisation.

Principles of the Approach

The following principles underpin this policy and should be used to guide action:

- **Open processes for disclosure.** Any suggestion of a conflict of interest that has not been explicitly treated in existing procedures will be considered sufficient for disclosure. It is important that any member of staff or stakeholder can raise a potential conflict of interest, regardless of the basis for it. As a rule of thumb, if there is any doubt about whether there is a conflict of interest, it should be raised and discussed. See **Annex A**.
- **Clear assessment of the risk of an adverse effect.** The potential for adverse effects as a result of conflicts of interest that have been disclosed will be assessed routinely. Not all perceived or potential conflicts of interest are valid and will vary in both the likelihood that they will result in an adverse effect and scale of that adverse effect in the event of an occurrence. These components will be treated separately in all assessments of all conflicts of interests through risk assessment and underpin the determination of mitigative action.
- **Appropriate mitigative action.** There will be a willingness on behalf of all staff and governors to take appropriate action to preserve the integrity of assessment judgements.

Recognising and Recording Conflicts of Interest

The mechanisms by which conflicts of interest are disclosed and recorded are embedded across the organisation's procedures, practice and culture. In overview, the approach has the following core components:

- **Conflict of Interest Risk Assessment.** Organisationally, potential conflicts of interest will be identified and reviewed through the Conflict of Interest Risk Assessment, which will be subject to periodic review. Efforts to holistically and proactively identify situations where conflicts of interest may arise will be undertaken routinely and those identified will be recorded and treated.
- **Conflict of Interest Log.** All actual conflicts, i.e. those that are deemed to be such by an informed and reasonable observer, will be recorded in the Conflict of Interest Log, alongside any mitigating actions put in place. This document will be regularly updated and monitored at an operational level.
- **Contractual arrangements.** The contracts of all staff and contractors will make clear the obligations on them to declare and help manage conflicts of interest, as well as the consequences of failing to do so.
- **Formal declarations and checking procedures.** Declaration and checking procedures will be put in place to discharge all regulatory obligations and assure that, as far as it is possible, all potential conflicts of interest are identified and managed early or are prevented from occurring. All staff must complete and sign the appropriate declaration forms on joining and reaffirm these at least annually thereafter. Declaration processes will cover, at a minimum, board members, senior staff and individuals involved in the delivery of assessment.
- **Training at induction.** On joining the organisation, all individuals party to assessment will be made aware of this policy and their associated duties and obligations. Refresher sessions will be held annually and informed by the Conflict of Interest Risk Assessment.
- **Further disclosures.** While most necessary disclosures are expected to take place as prompted by the procedures described, there are some circumstances in which it may be appropriate to raise actual or potential conflicts as they arise, for example in relation to changing circumstances or on learning new information. In these circumstances, it is expected that a disclosure is to be made and, where they cannot be clearly ruled out as a conflict, formally recorded for assessment and treatment. The duty for this type of disclosure rests on all staff.

Managing Conflicts of Interest

It is expected that the majority of cases will be resolved through open dialogue and formal clarification of how the adverse effect will be avoided. However, if a conflict of interest has been identified and assessed as high risk, further action will be taken.

The following approach will be followed in managing such conflicts of interest:

- Where the likelihood and/or risk of an adverse effect is deemed to be substantive, the option of reorganising the activity so that the conflict of interest is removed will be taken, wherever it is reasonable to do so.
- Where it is not feasible to reorganise the situation, steps will be taken to mitigate the possibility of an adverse effect from occurring. For example:
 - If an assessor has a professional conflict of interest in relation to assessment and it is not feasible to remove them from the assessment activity, they will be subject to additional independent scrutiny, for example through live observation, second assessing, or otherwise having their assessment judgements subjected to enhanced quality assurance and scrutiny.
 - If a manager has a professional conflict of interest and is responsible for taking an official decision subject to this conflict, the decision will be referred to an independent decision-maker.
- If an adverse effect has already taken place, steps will be taken to mitigate the impact as much as possible.



Investigations

Arrangements will be put in place to ensure that no-one involved in a malpractice, maladministration, breach of confidentiality or appeal investigation has a personal interest in its outcome. This may require the deployment of independent external capacity in some instances. In these instances, company Directors will oversee and receive findings of their investigation or outcomes of the arbitration process.

Treatment of Information

The information gathered from declarations or disclosures will be treated in confidence where possible. It may not be possible to keep declarations or disclosures confidential where it would prevent mitigative actions deemed necessary or prevent fulfilment of regulatory obligations.

Review Term of Policy and Procedures

This policy and the associated procedures will be reviewed at least annually.

Responsibilities

The responsibilities of individuals are summarised below.

Key Responsibilities	
All staff	<ul style="list-style-type: none"> Ensuring they are familiar with this policy and the specific obligations pertaining to their roles. Making all required declarations on joining the organisation and annually at set junctures thereafter. To disclose information in relation to potential conflicts of interest as they arise or are contemplated. If there is any doubt about the validity of a conflict of interest, it should be raised. To promote a culture of open discussion in relation to conflict of interests.
Board members	<ul style="list-style-type: none"> The Board is ultimately responsible for this policy, its dissemination and the management of potential or actual conflicts of interest. A director shall not take part in decision-making if he or she has an interest in the matter to be decided which conflicts (or may conflict) with the interests of the company, save that where a director is a trustee of, or employed by the Education for Industry Group. Any conflict arising from that role shall not prevent their participation in decision-making unless he or she has a personal financial interest in the matter to be decided. The company may by ordinary resolution authorise a director's conflict of interest (either generally or in respect of a particular matter) following which, provided the interest is not a personal financial interest, the director shall be entitled to vote. Where a director is deemed to have a conflict that relates to a personal financial interest, he or she may, at the discretion of the Chair, be asked to leave the meeting while the matter is discussed, in addition to being excluded from taking part in decision-making.
Responsible Officer	<ul style="list-style-type: none"> The Responsible Officer is responsible for escalating and appropriately treating disclosures of actual or potential conflicts of interest. This may include escalation to the board and regulatory authorities. To ensure that the policy and associated procedures remain fit-for-purpose, to discharge all regulatory duties and assist in the interpretation of these mechanisms.
Head of / managers	<ul style="list-style-type: none"> To apply the appropriate procedures when hiring staff and at regular junctures, including ensuring appropriate training at induction. To record any disclosures or observations of potential conflict of interest accurately and escalate appropriately. To devise appropriate mitigating actions and instruct assessors accordingly. To escalate instances of potential conflict where remedial action is not clear.
Assessors	<ul style="list-style-type: none"> Before each assessment series, assessors have a duty to disclose any potential conflicts of interest they may have, in line with this policy. To comply fully with any mitigating action deemed appropriate by management.



Annex A: Conflict of Interest Declaration Form

Once completed, send this form to info@efiawards.co.uk.

Name	
Organisation	
Email address	
Contact telephone number	
Affiliation to Education for Industry Group	

In declaring a conflict of interest, the declaration must include:

- The nature and context of the conflict of interest
- A description of all parties involved in the conflicting interest
- Any other relevant information.

Declaration (please use additional sheets if necessary)

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I acknowledge that the information contained is accurate to the best of my knowledge and I have provided all relevant information.

Signed	
Date	