

# Conflict of Interest Policy

Version 4.0 (October 2018)

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Contents Page

	Page
Introduction	4
Related Legislation and Guidance	4
Scope of Policy	4
Recognising a Conflict of Interest	4
Types of Interest	5
Personal / organisational financial interest	5
Personal / organisational non-financial interest	6
Non-personal / organisational financial interest	6
Governing Body, Sector Assessment and Assurance / Other Panel Members	6
Mitigating Conflicts of Interest at Panel	7
Technical Experts and Assessors	7
Mitigating Conflicts of Interest at End-Point Assessment	7
Recording of Interests	8
Who to Contact for Advice	8
Policy Development during 2017 and 2018	8

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## Document History

Version	Date	Reason for Revision
1.0	Dec 2016	First draft (JH)
2.0	April 2017	Updated to reflect new SFA funding rules
3.0	30 July 2017	<p>Updated following policy review group:</p> <ul style="list-style-type: none"> <li>Assessors now included in scope (page 2 and page 3)</li> <li>Additional panels included in scope (page 2)</li> <li>Judgement / referral now via sector assessment and assurance panel chair as opposed to governing body chair (page 2)</li> <li>The requirement to undertake EPA training added (page 3 and page 4)</li> <li>All declarations to be in writing (page 4)</li> <li>Mitigating COI now split into panels and end-point assessment delivery</li> <li>Identification of a possible change to approach in 2017 / 18 to enhance training and reduce the need for multiple declarations</li> </ul>
4.0	October 2018	Front page, contents page and version control added. Document History relocated.

## Introduction

The Energy and Utilities Independent Assessment Service (EUIAS) is expected to achieve and maintain high standards of probity in the way it conducts end-point assessment. These standards include: impartiality; objectivity and integrity; and the effective stewardship of public funds to meet the requirements of the Register of Apprenticeship Assessment Organisation. The management of potential conflicts of interest is a critical part of this process and without this the education and skills funding and the Institute of Apprenticeships (the external quality assurance body) would lose confidence in the service.

This policy provides guidance on what interests need to be declared, who needs to declare them and when, and what action should be taken to avoid conflicts of interest influencing the conduct of the EUIAS. Everyone referred to in this policy should ensure that they and those for whom they have responsibility understand their obligations to disclose all relevant interests.

## Related Legislation and Guidance

The EUIAS is guided by the Nolan Principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Bribery Act 2010 includes the offences of offering and / or receiving a bribe in relation to end-point assessment services. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.

All declarations of interest are subject to disclosure under the Freedom of Information Act 2000.

## Scope of the Policy

This policy applies, in its relevant sections, to the following groups:

- Governing Body (GB) and Sector Assessment and Assurance Panel (SAAP) members
- Employees of the EUIAS
- Technical experts designing / developing end-point assessment activities
- Technical experts and assessors undertaking end-point assessment activities
- Other panel members such as appeals, complaints, sanctions, and malpractice (refer to associated policy documents for details)

## Recognising a Conflict of Interest

A conflict of interest arises when the judgement of someone involved in the work of the EUIAS may be compromised, either by the independence requirements contained within the

assessment plan, apprentices scheduled to undertake end-point assessment and / or financial or other considerations set out in this policy.

To avoid concern that any such interests might prejudice the integrity or impartiality of those involved in the business of EUIAS, this code of practice applies to all those who participate in the work of the EUIAS and who are involved in the design and development of its assessment tools and operational infrastructure.

The determination as to whether or not a declared interest is in conflict with the work of EUIAS will involve the application of this policy and will sometimes require careful judgement based on the facts and the nature of the business being conducted. In the event of doubt, this will be referred by the Chair of the relevant SAAP to the GB.

This policy is intended as a guide to the kinds of interests that should be declared and when they should be declared. If in doubt, all interests should be declared.

## Types of Interests

Interests can be specific or non-specific and financial or non-financial. Financial interests can be personal or non-personal.

- An interest is 'specific' if it refers directly to the matter under discussion / assessment or review
- An interest is 'non-specific' if it does not refer directly to the matter under discussion / assessment or review

### Personal / organisational financial interest

A personal financial interest, for the purposes of this policy, is one where there is or appears to be opportunity for personal or organisational financial gain or gain with regard to the intellectual property, end-point assessment outcomes / completion payments or other perceived advantage, related to any apprenticeship for which the EUIAS is approved on the Register of Apprenticeship Assessment Organisations.

Examples could include:

- a) A technical expert advising on the design of end-point assessment tools for an apprenticeship standard whilst carrying out work for a company that will be using the apprenticeship standard
- b) An assessor carrying out end-point assessment activities for a company that they hold shares in, or a financial interest in a company that may become a competitor to EUIAS

### Personal / organisational non-financial interest

A personal non-financial interest in the matters under consideration refers to an opinion for any apprenticeship which the EUIAS is approved on the Register of Apprenticeship Assessment Organisations and could impact on the reliability or validity of end-point assessment judgements. It may also relate to the participation in other end-point assessment services / organisations in the energy and utilities or adjacent sectors.

Examples could include:

- a) A technical expert or assessor that has expressed a clear opinion about end-point assessment which could reasonably be interpreted as prejudicial to the delivery of end-point assessment
- b) An assessor is related to the apprentice
- c) A SAAP member that is the employee of the apprentices when the end-point assessment of the apprentices is under discussion at the SAAP

### Non-personal / organisational financial interest

A non-personal financial interest involves payment or other benefit to a department or organisation in which the individual is employed but which is not received personally, in the 12 months before joining panel or becoming a technical expert or assessor.

### Governing Body, Sector Assessment and Assurance / Other Panel Members

The EUIAS GB, SAAP members, and other panel members should consider carefully if they have an interest in the specific area of end-point assessment which might unduly influence their judgement and objectivity.

It is recognised that the Chairs and many GB and SAAP members will be utilising the Education and Skills Funding Agency apprenticeship service to draw funding for apprenticeships against the levy and while this should be declared, it does not preclude participation in the governance of the EUIAS. In the event of uncertainty, clarification may be obtained from the head of the Independent Assessment Service. This is to ensure that EUIAS policies and procedures are fully and consistently applied in the course of the conduct of end-point assessment services.

The Chair of the GB, SAAP, and other panels should ensure that the members declare all relevant interests and take advice from the head of the EUIAS where necessary. Declarations of interest and associated actions will be recorded to ensure transparency in the way the interest is mitigated.

## Mitigating Conflicts of Interest at Panel

To ensure the integrity of the EUIAS, each financial year all members of the GB and SAAP sign a declaration confirming that they either have no conflict of interest or declaring any interests that require consideration and mitigation. From 2018, the annual completion of declarations for all members may be replaced with updated training and a declaration only for those declaring interests. Please refer to the final section of this policy for more detail.

At each GB and SAAP meeting, members will be asked if they have any conflicts of interest to declare, as below:

Type of Interest		Action
Personal / Organisation Financial	Specific	Declare and leave the GB / SAAP meeting
	Non-specific	Declare and participate unless, exceptionally, the Chair rules otherwise on advice from the EUIAS core team
Personal / Organisation Non-financial	Specific	Declare: action is then at the discretion of the Chair on advice from the core EUIAS team
	Non-specific	Declare and participate unless, exceptionally, the Chair rules otherwise on advice from the EUIAS core team
Non-personal / Organisation Financial	Specific	Declare and leave the GB / SAAP meeting related to the item
	Non-specific	Declare and leave the GB / SAAP meeting related to the item

## Technical Experts and Assessors

Technical experts and assessors may be involved in the design and delivery of specific end-point assessment tools including, but not limited to: items for the examination question bank; trade tests; end-point interviews; portfolio grading; final decision panels; and external examiner activities. Technical experts and assessors may also be involved in the delivery of end-point assessment either from, or on behalf of the employer from the EUIAS.

The delivery manager of the EUIAS, should ensure that all technical experts and assessors declare all relevant interests and take advice from the head of the EUIAS where necessary. Declarations of interest and associated actions will be recorded to ensure transparency in the way the interest is mitigated.

## Mitigating Conflicts of Interest at End-point Assessment

Technical experts will be required to undertake end-point assessment training and declare, in writing, their interests at the point they are invited to undertake associate work for the



EUIAS and ahead of their participation in end-point assessment or final decision panels / external examiner activities. Every effort will be made to select experts who do not have a conflict of interest of a kind which would compromise the validity of end-point assessment.

## Recording of Interests

A record is kept by the EUIAS of:

- Annual declarations made by EUIAS employees, GB and SAAP members, and any mitigation where an interest has been declared
- Declarations recorded in minutes of GB and SAAP meetings, including details of the interest declared and whether the member took part in the proceedings
- Declarations by technical experts employed by the EUIAS in the design and development of end-point assessment tools and / or participating in any end-point assessment activities, and any mitigation where an interest has been declared
- Declarations by technical experts and assessors undertaking / delivering end-point assessment activities, and any mitigation where an interest has been declared
- Declarations from members of other panels in the event of a complaint, dispute or investigation into malpractice or maladministration, and any mitigation where an interest has been declared

## Who to Contact for Advice

If anyone covered by this code is uncertain whether or not an interest should be declared or is unclear on the interpretation of this code of practice, he or she should seek advice as set out in the table below.

Who	Take advice from:
Chair of Governing Body	Energy and Utility Skills Board
Chair of the SAAP	Head of the Independent Assessment Service
Members of other panels	Head of the Independent Assessment Service
Technical Expert	EUIAS Service Delivery Manager

## Policy Development during 2017 and 2018

The EUIAS will develop a more detailed training package during 2017 and 2018, combined with a conflict of interest test. This may then enable the EUIAS to remove the need for no-conflict declarations with a record of attendance at training and the management and recording of conflicts of interest as they are declared or identified.