

Conflicts of Interest Policy

Version 5.1 (June 2021)

Contents

Conflicts of Interest Policy	1
Version 5.1 (June 2021).....	1
Purpose.....	3
Related Legislation and Guidance	3
Scope	3
Identifying a Conflict of Interest.....	3
Types of Interests	4
Identification of Conflicts of Interest	5
Managing and Recording Conflicts of Interest.....	6
Dealing with conflicts of interest and/or breaches of this policy.....	6
Advice	7
Continuous Improvement	7

Purpose

This policy aims to prevent, or minimise, conflicts of interest from occurring, and managing conflicts of interest that have arisen. It provides guidance to members of staff, and those contracted to work for and on behalf of EUIAS, in how to deal with potential and actual conflicts of interest that may arise as a result of EUIAS' role as an end-point assessment organisation.

The policy sets out the process that should be followed when a conflict, or potential conflict of interest, is identified by anyone involved in the development, delivery, and assessment of end-point assessment, and to whom it should be reported.

Effective management of conflict of interest, and risk of conflict of interest, is pivotal to ensuring independence and assuring the reliability of end-point assessment decisions. This policy defines the requirements for the identification, declaration, management and recording of conflicts of interest.

Related Legislation and Guidance

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

The Bribery Act 2010 places specific responsibility on organisations to have in place appropriate procedures to prevent bribery and corruption taking place.

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

Scope

This policy applies to all individuals or organisations operating on behalf of or contributing to the business operation of the EUIAS. This includes employees, associates, contracted partner organisations and members of all governance structures and panels.

Identifying a Conflict of Interest

For the purposes of this policy, we have adopted the definition used by the regulatory authorities in relation to conflict of interests. A conflict of interest exists in relation to EUIAS where:

- its interest in any activity undertaken by it, or by a member of its Group, have the potential to lead it to act contrary to its interests in the development, delivery and assessment of end-point assessment in accordance with its Conditions of Recognition
- A person who is connected to the development, delivery or assessment of end-point assessment by EUIAS has interest in any other activity which has the potential to lead that person to act contrary to his or her interests in that development, delivery or

assessment of end-point assessment in accordance with the Conditions of Recognition or

- An informed and reasonable observer would conclude that either of these situations was the case

Types of Interests

Interests can be specific or non-specific, financial or non-financial. An interest is 'specific' if it relates directly to the matter under consideration. An interest is 'non-specific' if it does not relate directly to the matter under consideration

Financial Interests

A financial interest is one where there is or appears to be, opportunity for personal or non-personal (organisational) financial or intellectual property gain in relation to end-point assessment outcomes or other perceived advantage.

Examples of personal financial conflicts of interests could include:

- an assessor advising on the design of end-point assessment tools for an apprenticeship standard whilst carrying out work for an organisation that has selected the EUIAS as their end-point assessment organisation for the standard
- an assessor carrying out end-point assessment activities for an organisation that they hold shares in, or a financial interest in an organisation that may become a competitor to EUIAS

Examples of non-personal (organisational) financial conflicts of interests could include:

- payment or other benefit to a department or organisation in which the individual is employed but which is not received personally, prior to joining a Sector Assessment Assurance Panel (SAAP) or being approved as an assessor.

Non-financial Interest

Examples of non-financial conflicts of interest include:

- An 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
- An assessor is related to the apprentice
- A SAAP member that is the employee of the apprentices when the end-point assessment of the apprentices is under discussion at the SAAP

EUIAS recognises that individuals may take part in legitimate financial, business, charitable or other activities outside of their EUIAS role.

However, there is a requirement for all individuals to disclose any activity that might give rise to a potential or actual conflict of interest which must be reported.

In implementing EUIAS' approach to identifying and managing potential and actual conflicts of interest, members of staff and those undertaking work for, or on behalf of the organisation, must complete a declaration to disclose any activity that might give rise to a potential or actual conflict of interest on commencement of their relationship with us, and annually thereafter, and to inform immediately the Responsible Officer if a conflict suddenly arises.

Individuals team members, managers, contractors, members of the Management Team and the Governing Board are expected proactively to inform the Responsible Officer immediately of any actual or potential conflicts of interest that could adversely influence their Judgement and objectivity, and impact EUIAS end-point assessment.

All of the above individuals must abide by the following principles:

- All must commit to identifying and managing potential and actual conflicts of interest that may affect EUIAS end-point assessment and, in doing so, raise possible conflicts of interest with their line manager or the Responsible Officer
- All must be proactive in the identification and management of conflicts of interest that may affect our effectiveness, level of regulatory compliance and/or reputation, and report any instance without delay.
- All must be open about the nature of any potential or actual conflicts of interest and not conceal them, as managing a conflict will prevent issues that may impact on the organisation's effectiveness and its regulatory compliance.

Identification of Conflicts of Interest

EUIAS will complete due diligence checks at any time to assist the identification and verification of information that may involve the use of external business information providers. This is to ensure that we have taken all reasonable precautions to identify and deal with potential and actual conflicts, and protect the interests of the business, customers and learners.

The Responsible Officer is responsible for ensuring that all issues reported internally or by a third party are investigated, that the individual circumstances of each conflict are considered and the potential for influencing the activities of EUIAS are dealt with appropriately and escalated internally, or to the EUIAS EPA Compliance Committee where necessary. Changes to the status of an identified conflict must be reported immediately to the Responsible Officer.

If a conflict relates to the Responsible Officer, the Chair of the EUIAS EPA Compliance Committee Board will investigate and agree the appropriate actions to manage or remove the conflict of interest.

In accordance with EUIAS SLA, employer/training providers are required to have in place a conflict of interest policy, which is subject to review by EUIAS.

Managing and Recording Conflicts of Interest

EUIAS maintains a Potential and Actual Conflicts of Interest register to list all areas of conflict across the Organisation.

Each conflict is considered, and relevant mitigating actions are implemented to ensure such conflicts are managed appropriately.

Whilst overall responsibility for conflicts of interest rests with the Responsible Officer, the Register is reviewed by EUIAS Management Team on a monthly basis and scrutinised by the EPA Compliance Committee on a quarterly basis. This is to ensure that EUIAS is actively and continually reviewing its approach for dealing with conflicts of interest and that any necessary actions are appropriate.

Sector Assessment Assurance Panel and other Panel Members

SAAP and other panel members must consider if they have an interest in the specific area of end-point assessment under consideration which might have an adverse effect on their judgement and objectivity.

It is recognised that many SAAP members will be utilising the Apprenticeship Service to access funding for apprenticeships. While this should be declared, it does not preclude participation in EUIAS panels.

The Chair of all panels will ensure that panel members declare all relevant interests both at least annually, through a conflict of interest declaration, and at the start of each meeting.

Where a conflict of interests is declared, the type of interest and specific circumstances will drive the action required. Actions to redress may include:

- abstain from participation
- leave the meeting for a specific item
- leave the meeting
- stand down from the panel

Dealing with conflicts of interest and/or breaches of this policy

Should EUIAS believe there has been a breach of this policy, or unforeseen conflicts of interest emerge, an investigation will be immediately carried out along with a review of the associate procedures.

Should a third party believe there has been an actual conflict of interest involving EUIAS, then he/she should inform the Responsible Officer immediately and an investigation will be carried out.

At all times, EUIAS will ensure that an individual allocated to undertake an investigation has the appropriate level of training and competence and has no personal interest or involvement in the matter.

If the breach could also give rise to an Adverse Effect as defined by the regulator(s), the Responsible Officer will promptly inform the regulator(s) of the issue and the reasonable steps that will be/or will have been taken to mitigate the Adverse Effect in accordance with our Incident Management Procedure.

Assessors

Assessors will undertake end-point assessment training before undertaking end-point assessment activity. This training will include conflict of interest. Assessors will be asked to declare conflict of interests prior to undertaking end-point assessment activity.

Assessors with a declared conflict of interest that may have an adverse effect on the reliability of assessment judgments will not be used in the specific circumstance.

Advice

Where clarity on the provisions of this policy are required, advice must be sought as specified:

Who	Advice sought from
SAAP Chair	Head of the EUIAS
Members of other panels	Head of the EUIAS
Assessor	EUIAS Quality & Compliance Manager

Continuous Improvement

Conflicts of interest declared, and the actions taken to redress will inform the continuous improvement of the EUIAS.