

		
ISSUED BY: Head of EPA, Caroline Walton	End-Point Assessment POLICIES & PROCEDURES	ISSUE DATE: September 2022 REVIEW DATE: September 2023
	EPA Conflicts of Interest	ISSUE : V4

Scope & Purpose

The purpose of this policy is to set out the guidelines and procedures for identifying, monitoring and managing actual, perceived and potential conflicts of interest relating to the delivery of end-point assessment (EPA).

The policy will be facilitated and implemented by training and guidance for all EPA contributors and relevant others on recognising and managing possible conflicts of interest, be they perceived or actual, that may arise in circumstances such as those detailed below.

This policy applies to:

- All those involved in the design & development, delivery & award, review & evaluation, quality & continuous improvement of ELS EPAs including staff and contributors.
- Any staff that may lead to a conflict of interest such as advice, support and guidance offered to apprentices, employers on the education and training of the apprentice leading to the EPA.
- Anyone else involved with ELS in any activity from which there is potential for conflicts of interest with ELS as a provider of the EPA.

Definition of Conflict of Interest

The definition of Conflict of interest in the Ofqual guidance says:

“In general, terms a conflict of interest exists when an organisation or an individual has competing interests, which might impair its or their ability to make objective, unbiased decisions”.

- Actual conflict which relates to ELS and its interests in any activity undertaken by it or on ELS’ behalf, have the potential to lead it to act contrary to its interests in the design, development, delivery and award of EPAs in a way that complies with its Conditions of Recognition,

- Actual conflict which relates to a person who is connected to the design, development, delivery, award and review of qualifications by the awarding organisation has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in a way that complies with the awarding organisation's Conditions of Recognition, or
- A perceived conflict where an informed and reasonable observer would conclude that either of these situations was the case.

Please see the Conflicts of Interest Table in Appendix A for examples of how ELS investigate and mitigate Conflicts of Interest.

Potential Conflict of Interests

ELS recognises that Conflicts of Interest could arise and potentially have impact on the way we provide our services. Conflicts of interest may arise when an individual is engaged to contribute to the EPA and:

- A member of the ELS staff is undertaking end-point assessment with ELS as an apprentice, who is assessed and internally quality assured by another ELS staff member.
- As a member of the Board of Governors becomes involved with another EPAO and/or is asked to sit on another Board of Governors
- Has been involved with the design and development of an EPA component and then is also involved with the delivery and award (assessment) of the same EPA.
- Is not directly involved in the apprentice's programme but is employed by ELS with an interest in their apprentice's completion of the programme.
- A member of the ELS staff who has access to apprentice records has a close personal relationship with an apprentice who is undertaking end-point assessment.
- ELS member of staff has a personal relationship with an apprentice who is undertaking end-point assessment with ELS.
- A member of ELS staff undertaking assessment and/or internal quality assurance role for an ELS training provider as well as acting as an apprenticeship assessor.
- Where someone works for or carries out work on ELS behalf and has colleagues, friends or relatives taking end-point assessment provided by ELS.

Aims

The aims of this policy is to:

- Ensure individuals understand what constitutes a conflict of interest and have a responsibility to recognise and declare any conflicts that might arise for them.
- Document the conflict and action(s) taken to ensure that the conflict does not affect decision-making.
- Any individual is able to raise a conflict of interest
- The policy and processes associated with it reviewed regularly for fitness for purpose.
- Processes and procedures are in place that enable the policy to be enacted and managed.

Responsibilities

In relation to End Point Assessment, outside of current members of the ELS staff who work on EPA (Head of EPA and EPA Coordinator) the apprentice, employer, training provider, independent end-point assessor and internal quality assurer will all have to declare or inform ELS of a Conflict of Interest, which could potentially cause disruption to the End-Point Assessment.

Management of Conflicts of Interest.

1. Identifying potential Conflicts of Interest.

All ELS staff and in particular staff involved in the life cycle of our EPAs, administration staff and EPA assessors are appropriately trained to recognise and report any potential or actual conflicts of interest.

All stakeholders involved in the design & development, delivery & award, review & evaluation and quality & continuous improvement of EPA are required to declare any conflicts of interest they currently have or could have going forward. This will happen upon recruitment and is requested annually. Any new conflicts of interest must be declared during the course of the year by emailing: epaenquiries@explosivelearningsolutions.com.

Assessors, IQA's and EPA administration support staff may also declare potential conflicts of interest at any point through their monthly one to one's with their line manager.

If there are any doubts of the situation represents a conflict of interest, ELS will recommend you still declare it. If an individual has observed a potential conflict of interest, they must notify the Head of EPA, following the same process as above.

The conflicts of interest register will be owned, monitored and maintained by the EPA Coordinator and checked on a monthly basis by the Head of EPA.

Decisions on conflicts of interests are made by the Head of EPA based on the following factors to make a decision. These factors are:

- i) Assess the nature of the conflict
- ii) Assess the risk or threat to the organisation functions
- iii) Decide whether the conflict warrants further action/mitigation to be taken
- iv) Decide on what steps to take to avoid or manage the conflict or adverse effect.
- v) All conflicts of interest are reviewed fairly and objectively.

On occasions, where the nature of the conflict is not clear where a concise decision can be made the Head of EPA will consult with Head of Quality Assurance to come to a decision.

The Head of EPA will discuss with the person notifying the potential conflict of interest to determine if an actual conflict exists, possible adverse effects and what can be done to mitigate the conflict.

All EPA staff are asked during one-to-ones if they need to raise any conflicts of interest. If none are identified this is recorded and logged as 'n/a'. If conflicts of interest are identified this is recorded on the one-to-one form, transferred into the Conflicts of Interest Register, monitored and review regularly by the Head of EPA.

All meetings relating to conflict of interest are minuted and recorded in the Conflict of Interest register.

Conflicts of interest are discussed at the monthly Senior Management Team (Heads of Department) meetings and during the Board of Governors meetings.

ELS will take reasonable steps to ensure all staff in end-point assessments declare interest of friends or family who are sitting upcoming assessment and it will be necessary to complete and sign a declaration of interest form.

If a conflict of interest is declared on the day of the assessment, which had not been previously identified through declaration, the IEPA will have to contact an IQA immediately before any assessment takes place.

ELS will contact the Training Provider/Employer and discuss an alternative provision or put in place mitigating actions into place to ensure the integrity of the end-point assessment activity.

1.1 Managing the conflicts.

Where a conflict of interest is identified, we would review to see if this could cause an adverse effect.

The Ofqual guidance definition of Adverse Effect is:

An act, omission, event, incident, or circumstance has an Adverse Effect if it –

1. (a) gives rise to prejudice to Learners or potential Learners, or
2. (b) adversely affects –
 - (i) The ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
 - (ii) The standards of qualifications which the awarding organisation makes available or proposes to make available, or
 - (iii) Public confidence in qualifications.

Where an adverse effect could potentially occur, the Head of EPA will take the necessary steps to ensure any such adverse effect is mitigated.

ELS will consider reorganising activities, where reasonable, so adverse effects would be minimised. ELS will also look to gain an understanding of the individual(s) concerned to determine which of their roles and responsibilities may potentially undermine the integrity of ELS, the End Point Assessment and themselves.

If the Head of EPA is unable to reach a solution based on the points above, another solution will be sought by assigning another member of staff to undertake the end-point assessment. Doing this would reduce the risk of the assessment being compromised and possibly being voided.

If elimination is not possible, due to lack of resource or finance, measures must be put in place which can show the conflict is being managed effectively so as not to compromise the outcome of the assessment.

All reasonable steps will be taken to avoid any part of the end-point assessment of an apprentice being undertaken (any involvement in the advice, support or training of the apprentice or apprenticeship programmes provided by ELS) by any person who has a personal interest in the result of the assessment. If this situation is unavoidable, then arrangements will be made for the whole or relevant part of the assessment to be subject to scrutiny by another person.

1.3 Internal Conflicts

The contractual arrangements with contributors to the EPA clearly set out any obligations on them to declare and manage conflicts of interest arising from other activities that they undertake.

2. Recording Conflicts of Interest

The EPA Coordinator will maintain a register of its contributors appropriately updated with details of any conflicts of interest declared by the members. This register will

capture information, which helps ELS understand, assess and mitigate adverse effect for any conflict of interest declared. ELS conflict of interest form is sent out annually to all stakeholders and they will be required to complete and return this form to epaenquiries@explosivelearningsolutions.com.

This form will ask the stakeholder to read, understand and provide accurate information, in order to ensure independence when selecting individuals for the development, administration, delivery and marking of the EPA.

The information provided by key stakeholders should be processed in accordance with data protection principles as set out in the Data Protection Act 2018 and GDPR 2018. Data will be processed only for the purposes set out in this policy and not for any other purpose.

3. Monitoring and reviewing conflicts

The EPA Coordinator, in conjunction with the Head of EPA are responsible for maintaining a register of interest and will:

- Record in the register all conflicts of interest and personal interest
- Make the register of conflicts available to any stakeholder at any time for reference purposes
- Keep a log of any actions taken to manage a conflict of interest

The register of conflicts of interest will be available for inspection by the relevant body.

4. Conflict of interest investigations

Where ELS conduct investigations for apprenticeship malpractice, maladministration, and breach of confidentiality, appeals or complaints, all reasonable steps are taken to avoid those concerned being investigated by anyone with a personal interest in the outcome.

5. Policy Review Arrangements

We will review this policy annually as part of our self-evaluation arrangements and revise it in line with any feedback from stakeholders, regulatory authorities or external agencies, or changes in our practices.

Appendix A

Conflict of Interest Scenarios.

This table represents potential conflict of interest, which may arise during EPA and how ELS would identify and mitigate these conflicts of interest.

Serial No.	Possible Conflict of Interest	How ELS would Identify	How ELS can Mitigate
1.	Departmental resources i.e. staff being asked to support wider ELS work or projects	The Head of EPA is trained and qualified at Prince 2, Management of Risk and Project Planning and Controls. These methodologies and approaches are applied throughout ELS. Risks, issues and conflicts are identified and recorded as part of normal practice. We identify and monitor the scale of EPA work from the outset of a contract and confirm when the requirements need to be met alongside other ELS tasks within our matrix management approach.	By following robust project planning and controls and by utilising associates and external occupationally competent approved SME's EPA tasks are appropriately managed and covered. ELS calls this the 'Make' (recruit) or 'Buy' (external short-term associate support) decision.
2.	A new member staff joins ELS, They are also an apprentice undertaking an apprenticeship. An EPAO has not yet been identified by their training provider or previous employer. The training provider asks ELS to be the EPAO.	Through discussions with the new member of staff (apprentice) during recruitment stages or when the new member of staff decides to tell ELS they are doing an apprenticeship.	ELS will not conduct and carry out EPA services/practices with our own staff. We would consider this to be unethical and a conflict of interest. An alternative EPAO would be sourced.
3.	ELS has a member of EPA staff who is undergoing an apprenticeship. ELS has an interest in the apprentice completing their programme timely. The apprentice may be struggling to complete their evidence to the set deadlines provided by the training provider. The apprentice may be tempted to use others work as their evidence.	ELS recognises the continued development of our staff. We take an interest in our apprentices completing their programmes and encourage them to do so. The Head of EPA gets involved with monthly meetings with apprentices and with the training coordinator from the training provider. Work plans are set	ELS support apprentices following guidance from the training provider. ELS support apprentices with their on and off the job training. Time is provided to apprentices to complete their apprenticeship evidence. This is also discussed during one-to-ones. ELS ensure all work submitted to the training provider ie Portfolios of evidence is the work of the

		and agreed with the line manager of the apprentice.	learner only. Evidence is verified by the line manager.
4.	A member of the ELS EPA team, who has access to apprentice records (ie ACE360), is a relative or a close friend to the apprentice who is undertaking their EPA. The apprentice needs to pass three EPA components and explains to their relative that they are struggling with one of their components and asks their relative to ensure they pass that component.	ELS staff (core and associates) are requested to declare any conflicts of interests.	Contractual arrangements are put in place for all staff and third parties who have, or have had access to confidential assessment information through the assessment development process. Conflicts of Interests must be declared through a number of ways as per our Conflicts of Interest policy: <ul style="list-style-type: none"> • One to one's • Standardisation • Team Meetings • Quarterly meetings All assessment decisions and judgements are internally quality assured through our IQA's before grades are given. All learner feedback is checked and sampled. If any kind of cheating, malpractice or maladministration is identified the appropriate policy and procedures will be followed.
5.	An IEPA is in a relationship with one of our apprentices who is about to go through Gateway and undertake end-point assessment with ELS.	A conflict of interest has been declared as per the Conflict of Interest Policy.	ELS will immediately use another assessor (IEPA). If for any reason it is not possible for another IEPA to undertake EPA the Head of EPA will request full scrutiny on all parts of the EPA and full sampling will be conducted on all EPA components to ensure the grades and feedback given can clearly be justified.
6.	Viewpoints – an IEPA's or IQA's opinion that could prevent them from operating in an impartial manner	Line managers or project managers seek to identify through standardisation.	All EPA practices, policies procedures and decisions are standardised with all assessors (IEPAs) and IQA's so assessment decisions are

			valid, consistent, fair and reliable.
7.	The training provider puts pressure on the ELS EPAO to put apprentices through their EPA in a much quicker manner due to time constraints/funding, or if the training provider has forgotten to put the apprentice through Gateway	Increased telephones calls and emails coming in from the training provider/employer pushing for quick EPA	<p>ELS use the Learner Management System ACE360. This enables ELS to see apprentices on programme, during their training period and leading up to Gateway. We factor in time to liaise with the training provider to make sure apprentices are on track. ESFA now require apprentices to be registered for EPA 6 months prior to Gateway.</p> <p>ELS will ensure fair and reliable assessment is conducted and will work with the employer and training provider if timescales are tight but not to the disadvantage of the learner, or which may disadvantage the learner in any way. As this would be unfair and could possibly lead to an appeal. ELS are educating employers and training providers to register their learners as soon as possible.</p>
8.	The Head of EPA needs to conduct EPA activities with Apprentices. Our Head of EPA is also a named assessor (IEPA) and IQA on certain standards.	If an IEPA is taken sick the Head of EPA may need to step in to ensure learners are not disadvantaged, if another IEPA cannot be found in time.	<p>The Head of EPA will only support apprenticeship standards, as an IEPA and IQA where approval has been granted by the IfATE and the EQA.</p> <p>The Head of EPA attends standardisation activities, CPD training and must maintain occupational competence to be able to remain as an IEPA or IQA on a standard.</p> <p>The Head of EPA follows all the same EPA policies and</p>

			<p>procedures as the rest of the EPA team.</p> <p>All work completed by the Head of EPA must be 100% sampled by the internal quality assurance team.</p>
9.	<p>ELS staff (IEPA's/SME's) have produced EPA support and assessment materials (such as EPA mock guides and EPA assessment tools) used in the assessments of EPA. These same people are IEPA's and IQA's.</p>	<p>ELS to acknowledge there would be a potential conflict of interest and record this onto the conflicts of interest log.</p>	<p>Contractual arrangements require staff and third parties who have had access to confidential assessment information are required to notify if they have been, or currently, involved in the preparation of a resource designed to support the preparation of learners for assessment for that qualification.</p> <p>Monitoring assessments set by staff and third parties who have been involved in the preparation of that source. All IEPA's and IQA's go through standardisation and training so assessment judgements are standardised and consistent.</p>
10.	<p>The employer requests a members of staff to support ELS with EPA activities ie panel members with our Project Manager standard or a second person as part of the OME Technician Practical Demonstration. The employer or employer-providers' main source of income is payment based on the number of students who pass qualification.</p>	<p>All EPA stakeholders and staff are required to read, acknowledge and sign the conflict of interest policy on an annual basis. These requests would be checked at Gateway or sooner.</p>	<p>ELS will ensure the 'second person' in the Practical Demonstration or the panel member from the employer has not been involved with the apprentices training.</p>
11.	<p>ELS has received an allegation of malpractice against one of our IEPA's who has just completed an EPA component with a learner. The IEPA is due to go back into the employer the following month.</p>	<p>Any forms allegations of Malpractice/Maladministration must go through ELS Malpractice/Maladministration policy and procedures. The Quality Assurance Manager and Head of EPA will follow the Malpractice / Maladministration process.</p>	<p>Investigation will be conducted by a 'person of appropriate competence' Depending on the nature of the case ELS will need to consider factors such as the nature, scale and scope of alleged or suspected malpractice. Depending on</p>

			<p>the outcome of the investigation, an alternative assessor may be assigned to the learner. If the investigation found the allegation to be invalid and unjustified the assessor will be asked if they wish to return to the employer. The employer will also be asked if they will accept the assessor returning. If the same assessor was to resume assessment activities at the employer an IQA would conduct 100% sampling on all assessment decisions for that learner to ensure fair and consistent judgement has been given. An IQA may also observe the EPA activities.</p>
12.	<p>ELS use a large pool of IEPA's and IQAs for our EPA's. Some of our IEPAs and IQAs also act as IEPAs and IQAs for other EPAOs. An IEPA asks to use our materials for the work they are doing with another EPAO or vice versa, they ask to use another EPAOs materials within ELS.</p>	<p>An IEPA makes the request, ELS notice materials are being sent to personal emails addresses or an employer or apprentice contact ELS due to copyright details on materials.</p>	<p>All our materials are securely stored within a UK based server (Citrix). All ELS materials are copyright and must only be used for ELS EPA services. ELS EPA materials must not be shared with any other EPAO or amended in any way for the benefit of another EPAO. Standardisation sessions and training inform and enforce this rule. This works the same for materials from other EPAOs. IEPA's and IQA's are not permitted to bring in materials from other EPAOs.</p>
13.	<p>A learner has raised an appeal following an EPA grade/assessment judgement. The appeal has been investigated by the Quality Assurance Manager</p>	<p>The Stage 2 Appeals Form submission</p>	<p>As per the Appeals Policy and as part of the Stage 2 Appeals Process, ELS employ an independent, impartial, sector competent individual who will sit on the</p>

	and a decision has been provided to the learner. The learner is unsatisfied with the outcome from the Stage 1 appeals process. The learner initiates Stage 2 of the Appeals process.		<p>ELS Appeals Panel, who is paid for their time. This individual will support and determine the outcome from the Stage 2 Appeals. All Appeals are logged and records are kept for five years.</p> <p>An Assessor or IQA that has been involved in the initial EPA of a learner is not allowed to be part of the Appeals process to reassess the evidence or be part of the Appeals Panel.</p>
14.	A member of the Board of Governors becomes involved with another EPAO and/or is asked to sit on another Board of Governors	All Governors must declare any conflicts of interest.	When Governors are recruited and appointed onto the ELS Board of Governors, they must declare any conflicts of interest. Any conflicts of interest declared will be reviewed and discussed. If any conflicts of interest are deemed too damaging or too high risk to ELS or unethical the appropriate actions will be taken eg a member of the Board of Governors will be asked to step down.