

End-Point Assessment Services

Conflict of Interest Policy
September 2020 (V2.0)

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Conflict of Interest Policy

1. Overview of the policy

1.1 Conflict of Interest- definition

A conflict of interest arises when the judgement of someone involved in the work of BPN end-point assessment may be compromised or when an individual, or organisation, has competing interests or loyalties.

Conflicts of interest can be:

- perceived or actual
- personal or organisational
- financial or non-financial

Organisational conflicts of interest may be where BPN has:

- a financial stake in an apprenticeship training provider or a customer (employer)
- agreements with other EPAOs and providers to deliver EPAO for each other's apprentices.

1.2 Scope of the policy

This policy covers the delivery of Best Practice Network (BPN) End-Point Assessments (EPA) which are subject to internal and external quality assurance.

The policy is designed to:

- ensure EPA tools and materials are designed free of conflict of interest and bias.
- protect apprentices who are registered with us.
- minimise the risk of an Adverse Effect occurring.
- help support us and all other partners involved in risk management and risk minimisation.
- help ensure we and all partners comply with all relevant legislation and guidance.
- help improve and refine our products and services.

1.3 Coverage

The conflict of Interest procedures will apply to everyone involved in the delivery of end-point assessment, including:

- The Governing Body, including sub-committees, and SLT.
- End-point assessors undertaking end-point assessment activities.
- Associates acting in the capacity as EPA or IQA.
- Qualification design team (those designing the EPA tools).

- The EPA delivery team (admin, finance etc).
- Stakeholders, including employers, providers and apprentices.
- BPN panel members such as appeals, complaints, sanctions, and malpractice.
- Partner organisations to include Awarding Organisations/External Quality Assures (EQAs) and certification bodies.

For our partners, this policy supports the compliance with the Contract. It does not replace any of the requirements contained within that Contract. Non-adherence to our Apprenticeship Services EPA policies may constitute Maladministration, Malpractice and / or a breach of the Contract. Please ensure all policies are read and implemented carefully.

This policy should also be read in conjunction with the following policies, which are available on our Virtual Learning Environment and from our Assessment Team:

- Malpractice and Maladministration Policy
- Equality and Diversity Policy
- Reasonable Adjustments Policy
- Fair Access and Special Considerations Policy
- Recruitment Policy and Procedure
- Complaints and Appeals Policy

1.4 Purpose of the policy

BPN is committed to the highest standards of integrity, openness and probity. We are committed to directly providing, and working with our partners who provide, a transparent and honest working environment that is free from wrongdoing, malpractice or corruption.

The purpose of this policy is to allow our apprentices, staff, partners and other organisations to feel comfortable and secure in raising relevant disclosures, made in good faith and reasonable believed to be true, without fear of victimisation or other adverse repercussions. In particular, relevant disclosures are likely to be those which may be in conflict with our commitments as outlined above.

1.5 Who needs to know about the policy?

All staff involved in EPA and governors must know the policy. Partners must make the apprentices and staff (including, site, sub-site or contractual staff) who are involved in the design, delivery, management, assessment and quality assurance of BPN EPA aware of, and familiar with, the contents of the policy.

1.6 Obtaining copies of the policy

Partners can download copies of the policy from our VLE platform or obtain copies from our BPN Assessment Team.

1.7 Reviewing the policy

We will review this policy annually and may revise it as required in response to the findings of any review.

1.8 Complaint

Partners have the right to express their dissatisfaction regarding our actions, products or services. Our Complaints Policy in particular outlines when we will and will not accept a complaint, and when our decisions are final. Please see our Complaints Policy for more information.

2. Introduction

Due to the nature of our business there are many situations when a conflict of interest may arise. For the purpose of this policy a conflict of interest is defined as a situation in which an individual, or organisation, has competing interests or loyalties.

This policy applies to all partners working for or on behalf of BPN Apprenticeship Services EPA, including all colleagues at all locations and at all levels, board members, external contractors, agency workers, partners, any associates, any subsidiaries or their employees or any other person associated with us.

This policy is intended to set out the responsibilities on all partners in managing conflicts of interest in line with their contract/agreement and in supporting us to meet the requirements set out by the ESFA, Charities Commission and in the Ofqual Conditions of Recognition (A4.7).

All existing and reasonably foreseeable Conflicts of Interest will be identified by our organisation, and monitored in line with our standard procedures and escalated to the Managing Director where appropriate. These Conflicts of Interest will be monitored closely, particularly during periods of change, in order to mitigate the possible impact of any potential adverse effects. Conflicts of interest can have a significant and lasting impact on the apprentice, their employer and on BPN. For example, it may result in:

- one apprentice or employer being favoured over another
- the requirements of the assessment not being delivered/met
- lower quality, unreliable quality assurance and sampling
- the validity and reliability of assessment decisions being compromised
- apprentices not being fully competent in their job role creating a risk to their employer and their business
- damage to the reputation of BPN, which could include the removal from the register of end-point assessment organisations.

Any conflicts of interest that are specific to the Apprenticeship Programme Director will be identified and monitored in line with BPN's Apprenticeship Services EPA Conflict of Interest policy and current practices.

3. Types of Conflict of Interest

Conflicts of interest can arise in a variety of circumstances in relation to our business activity, for example:

- when any Independent End-Point Assessor (IEPA), partner and/or invigilator we appoint does not disclose any actual or potential conflict of interest;
- when an individual has a position of authority in BPN Apprenticeship Services EPA Team which conflicts with his or her interests in another organisation;
- when an individual has a position of authority in one part of the BPN Apprenticeship Services EPA which conflicts with his or her interests in another part of the BPN group;
- when an individual has personal interests or relationships that conflict with his/her professional position;
- where an individual works for or carries out work on BPN Apprenticeship Services EPA Teams behalf, but who may have personal interests – paid or unpaid – in another business which either uses BPN Apprenticeship Services EPA products or services, or produces similar products to BPN Apprenticeship Services EPA Team;
- where an individual works for or carries out work on BPN Apprenticeship Services EPA Teams behalf, who has friends or relatives taking BPN Apprenticeship Services EPA Team assessments, including examinations;
- when one part of BPN Apprenticeship Services EPA Team creates and follows a procedure that conflicts with its regulatory responsibilities as an End-Point Assessment Organisation (EPAO);
- where an individual takes on additional paid work (on either an employed or self- employed basis) or voluntary work outside BPN Apprenticeship Services EPA Team which conflicts with the work of BPN group

Conflicts of interest can also arise where:

- an individual may be employed in one organisation involved in EPA and has links with and/or is employed in the same organisation as the apprentice or an organisation undertaking the on-programme delivery.
- an individual involved in EPA has a prior link with the apprentice, their employer or an organisation involved in the on-programme delivery for the standard they are assessing against. For example, they may have friends or relatives involved in delivery.
- an individual involved in EPA may be working for an organisation that is in direct competition with the organisation involved in on-programme delivery.
- at both organisational and individual level, the official role of the individual/organisation undertaking the EPA has any other interests that may compromise their assessment decisions.

4. Acknowledging a conflict of interest

If a conflict of interest arises or partners/ associates anticipate that it might arise, they need to let the BPN Apprenticeship Services EPA Team know using the Declaration of Conflict of Interest Form – Appendix B. We will work with partners/ associates to take steps to minimise any risks and resolve the issue or escalate it to their Head of Organisation if this is not possible. If you are a partner/ associate any declarations of Conflicts

of Interest should be logged by email using the template provided in Appendix B, to the assessment team under Conflict of Interest, partners can add as many conflicts as they need to. This information will be reviewed on a per cohort basis and we will work with partners to address any areas of concern. A formal review will take place annually. If there is any doubt whether an activity represents a conflict of interest - report it! Where further action is needed as a result of a declaration, this is documented and managed accordingly; this may include removing the individual from any involvement in EPA or referring their assessment decisions to another assessor with no vested interest.

All partners must immediately communicate any issue s/he feels are urgent to an appropriate manager, director or board member as detailed in the Whistle-blowing policy, which may be done in confidence. It should be noted that individuals are protected under the Whistle-blowing policy.

We will also monitor any conflicts of interest and may on occasion take steps to minimise any conflicts due to the level of the risk or the frequency that the risk occurs.

4.1 Responsibilities

All partners/associates must complete the Declaration of Conflict of Interest Form - Appendix B and notify the BPN Apprenticeship Services EPA Team of **any changes** as well as annual declarations.

All parties will adhere to stringent confidentiality protocols generally operating on a “need to know basis” meaning that information will be shared only among parties who need to have detailed knowledge in order to carryout, monitor or manage EPA. Assessments will be monitored through spot observations, employer and learner feedback and remote activities.

BPN will take all reasonable steps to;

- Adhere to relevant requirements, and having regard to relevant guidance, set by the Institute for Apprenticeships and the Education and Skills Funding Agency on conflicts of interest in relation to EPAs. This includes any relevant requirements or guidance in an Assessment Plan or the Apprenticeship Standard on which an Assessment Plan is based.
- Ensure insofar as possible that, where a conflict of interest cannot be avoided, each assessment remains fit for purpose. In particular, each assessment should remain valid.
- Maintaining confidentiality of assessment materials by training designed and delivered to minimise the risk of a breach of confidentiality by the future disclosure of materials provided in connection with the training
- Manage organisational conflicts of interest, as well as those at an individual level.
- Ensure that processes and procedures in relation to the delivery of the apprenticeship are sufficiently separate from assessment, and that assessment processes and procedures are sufficiently separate from each other, so as to avoid any conflict of interest having an Adverse Effect
- BPN does not, and will not deliver on-programme training and EPA for the same group of apprentices for the same standard
- Issue policy and training to staff on conflicts of interest
- Contracts, whether they be for self-employed freelance assessors or staff, will contain the same Col requirements

- Checks of staff and assessor CVs, and employment histories against the end-point assessment activity will be undertaken
- Notification by BPN to the assessors of the names of the apprentices and their employers to be assessed (subject to data sharing and protection policy) so to check for any assessor apprentice Col
- Issue of a code of conduct per end-point assessment activity (e.g., observation, interview, portfolio assessment), which includes reference to conflicts of interest

5. What should you do if you think someone is acting improperly?

If partners become aware of something they don't feel comfortable with, or they feel someone may be acting in an improper way, please refer to our Whistle-blower policy.

6. Managing Conflict

Any conflict of interest should be declared and recorded for each cohort and these will be maintained, evaluated and formally reviewed annually. Where conflicts of interest have been identified the QA director or Senior Responsible Officer will indicate on the declaration how the conflict of interest will be managed and mitigated and its scope and duration / review date.

- Breaches may be identified via – whistleblowing, audit, etc
- All breaches will be reported to the Programme Board through a Standing Item on the Agenda
- Breaches will be investigated in the following way;
 1. Investigation by BPN Responsible Officer, including interview (4 weeks investigation time)
 2. Report to Board
 3. Board recommendations
 4. Appeals process
 5. Recording

Where further action is needed as a result of a declaration, this is documented and managed accordingly. This may include:

- reorganising activities and /or key functions
- allocating of an alternative assessor
- removal of expert from the end-point assessment design
- changes to the risk rating of an assessor (this is only if you risk rate your assessors)
- increased sampling or monitoring
- removing the individual from any involvement in EPA
- referring assessment decisions to another IEPA with no vested interest

BPN will make every effort to manage and mitigate any potential or real conflict of interest in the delivery of the end-point assessment service. This may mean, for instance, removing individuals from any involvement in the assessment process where there is a risk of conflict. The independence of our decision on the

competency of the apprentice is paramount. Any actual or perceived conflict of interest can undermine both the outcome of the end-point assessment and our credibility as a trusted assessor of apprentices.

All EP assessments will be delivered in such a way that no organisation or individual who has been involved in the management or training of the apprentice can conduct an assessment method without the independent assessor being present, or make the sole decision on competence and passing the EPA. This means that an end-point assessor or invigilator should not be employed by the same organisation as the apprentice, nor involved in, nor responsible for any on-programme delivery, line-management or on-programme assessment of the same apprentices.

For any conflicts of interest that have been identified and acted on there will be quarterly reviews for one year and these will be recorded on the declaration along with all mitigation and management actions.

BPN will be aware of making any arrangements (in the event we move into the provider space) with other EPAOs to be alive to the risks inherent in reciprocal arrangements whereby two organisations assess Learners prepared for the assessment by the other and will avoid these where possible. If not possible all reasonable steps to prevent any Adverse Effect will be taken including ensuring scrutiny by another person.

6.1 Contractual arrangements/Third parties

BPN will act quickly and appropriately if it finds third-party activity that puts at risk our ability to comply with our Conditions of Recognition enforcing such arrangements where necessary. Contractual arrangements with all staff and third parties, who have access to confidential assessment information, will clearly set out any obligations to manage conflicts of interest arising including the notification process.

An agreement will be in place with all centres which:

- before agreeing to a Centre's request that a third party should be involved with the delivery of any part of a qualification (EPA), assures itself that the involvement of the third party will not put at risk the Centre's ability to comply with the agreement or the awarding organisation (EPAO)'s ability to comply with its Conditions of Recognition;
- monitors Centres' adherence to the agreements to identify Centres that are not compliant, or that are at risk of failing to comply, including through routine and unannounced visits to Centres;
- collects and analyses appropriate data and information from Centres which helps inform its view of the risk.

As an organisation required to develop question banks and administer and mark those tests, we have in place clear arrangements to ensure the development, administration and marking of the tests is not subject to conflict of interest and that there is clear separation across these activities.

As of the date of this policy, BPN does not provide apprenticeship training, or intend to provide apprenticeship training, for any of the apprenticeship standards for which we have applied to be an EPAO. This is a significant mitigation factor in terms of potential conflict of interest.

7. Mandatory disclosure and confidentiality

7.1 Mandatory disclosures

It is imperative that the integrity of our assessments are maintained. We are aware that partner organisations often work with more than one End-Point Assessment Organisation (EPAO) in, and that therefore more than one EPAO may be at risk when things go wrong.

Our regulators have outlined some specific conditions that we must meet to protect the integrity across the sector. This includes the requirement that where certain things are identified (such as malpractice), or certain actions taken (such as when sanctions are applied), the Regulators and other relevant EPAOs who may be affected must be informed.

Depending on the seriousness of the matter, we may be required to declare to our regulators that we are no longer compliant due to an act or omission by partners which has put us in breach. In this event, we may have regulatory action directed against us, such as Monetary Penalties. In accordance with the Agreement for Provision of Services Relating to End Point Assessment, we reserve the right to direct such financial penalties against partners, should they be as a result of the act or omission.

EPA Apprenticeship Programme	Independence requirements
School Business Professional L4 ST0575	Be independent of the apprentice, their employer and training provider, i.e. there must be no conflict of interest

7.2 Confidentiality

We may need to access confidential information. We will ensure that such information is kept secure and only used for the purposes of the investigation and in line with relevant data protection legislation. We will not normally disclose the information to third parties unless required to do so, e.g. to our regulators and / or the Police or other relevant and / or Statutory Bodies.

8. Termination for Convenience

Our actions under this policy will be proportionate. Where possible, we will always try to work with our partners in resolving issues. However, nothing within this policy precludes us from invoking our right under our agreement to terminate our relationship with our partners.

9. Contacts

Your contact for this policy

If you have any queries about the contents of the policy, please contact our BPN Apprenticeship Services EPA Team:

Email: assessments@bestpracticenet.co.uk

Telephone: 01179 209200

Post: BPN Apprenticeship Services EPA Team, Newminster House, 27-29 Baldwin Street, Bristol,
BS1 1LT

Appendix A: Glossary of Terms

Abbreviation or Term	Meaning
Contract	A contract may be a service level agreement (SLA), partnership agreement, contract for goods/services or any other signed agreement in place with our partners.
EPA	End-Point Assessment: An EPA is a collection of assessments that offers confirmation of knowledge, skills and behaviours (known as KSBs) for a particular role. It takes place once the apprenticeship training has been completed, and the apprentice is deemed ready to enter the Gateway for EPA. The EPA must be achieved before an apprenticeship certificate can be issued. The structure of an EPA is designed to ensure that those making a decision on the competency of an apprentice are totally unbiased. This means that an assessment must either be conducted by an independent third party, or in a way that ensures no party involved in the management or training of the apprentice can make the sole decision on competence and passing the EPA – via a panel of experts, for example.
EPAO	End-Point Assessment Organisation: an organisation providing EPA.
Gateway	When an apprentice reaches the end of their training, the employer (supported by the Independent Training Provider) will make the decision on whether or not the apprentice is ready to take the EPA – this decision process or stage is known as the “Gateway”.
ITP	Independent Training Provider: a person who delivers training to an apprentice to enable the apprentice to reach Gateway in conjunction with employers.
IEPA	Independent End-Point Assessor: a person who facilitates an unbiased assessment of an apprentice’s competencies against the KSBs of the standard.
LIEPA	Lead Independent End-Point Assessor: a person responsible for internal quality assurance and standardisation of all assessment practice within EPA and is the sector expert.
Ofqual	Office of Qualifications and Examinations Regulation: a government body regulating examinations, assessments, and qualifications in England and vocational qualifications in Northern Ireland.
Partner	This can be apprentices, employees, employers, external quality assessors, independent training providers and workers.

Appendix B: Declaration of Conflict of Interest Form

Conflict of Interest - Disclosure Form

Assessment-In-Confidence (When completed)

Name	
Position (please tick)	<input type="checkbox"/> Programme Board and SLT <input type="checkbox"/> End-point assessors undertaking end-point assessment activities <input type="checkbox"/> Associates acting in the capacity as EPA or IQA <input type="checkbox"/> Qualification design team (those designing the EPA tools) <input type="checkbox"/> The EPA delivery team (admin, finance etc) <input type="checkbox"/> Stakeholders, including employers, providers and apprentices <input type="checkbox"/> Programme Board and sub committees <input type="checkbox"/> BPN panel members such as appeals, complaints, sanctions, and malpractice <input type="checkbox"/> Partner organisations to include Awarding Organisations/External Quality Assures (EQAs) and certification bodies <input type="checkbox"/> Other. Please Specify _____
Location	
Organisation (if applicable)	

Conflict of Interest or potential conflict of interest
<i>Describe the conflict of interest or potential conflict of interest that have the potential to impact on your ability to carry out, or be seen to carry out, your allocated role or your organisation's role with regards to the Best Practice Network Apprenticeship End Point Assessment Conflict of Interest Policy.</i>

Describe the expected roles/duties you are required to perform.

Declaration

I confirm I have read and understood BPN policy on Conflicts of Interest.

I confirm that conflict of interest training was covered as part of my induction.

I declare that the above details of my private interests (or my organisation's interests) are correct to the best of my knowledge and am aware of my responsibilities to take reasonable steps to avoid any real or apparent conflict of interest in connection with my employment (or that of my organisation) and to advise Best Practice Network of any relevant changes in my (or our) personal (or professional) circumstances.

Signature:
Date:

Action by Manager

Describe the action proposed to mitigate the real or perceived conflict which has been disclosed and the reasons for the decisions

The above action has been discussed with the employee and is appropriate to resolve the real or apparent conflict of interest disclosed above.

Signature of Manager:
Date:
Employee Endorsement:
Date:

When finalised this form is to be forwarded by email with subject header "Assessment-in-Confidence" to assessments@bestpracticenet.co.uk. You are advised to retain a copy.

Appendix C: Conflict of Interest Log

COI Area	COI raised by	Date COI raised	Detail of COI	Mitigating action taken	Date/ method of decision communication	Signed off by	Date of review