



# End Point Assessment Policies



## Document History

Version	Date	Reason for Revision	Issued By
V1.1	July 2019	Initial release	Alan Bates
V2	September 2020	Updates for Ofqual recognition	Alan Bates
V3	July 2021	Review of policy for Ofqual recognition application	Kay Parker & Alan Bates
V4	January 2022	Review of policy for Ofqual recognition, Appendix B declaration form updated	Alan Bates

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# Conflict in interest policy

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## 1. Overview of the Policy

### 1.1 Scope of the Policy

This policy covers the delivery of Qualitrain's End-Point Assessment's (EPA) that are subject to internal and external quality assurance.

The policy is designed to:

- x Protect Qualitrain staff, learners and Training organisations who are registered with us
- x Minimise the risk of an Adverse Effect occurring
- x Support us and all other stakeholders involved in risk management and risk minimisation
  
- x Ensure we and all stakeholders comply with all relevant legislation and guidance
  
- x Improve and refine our products and services

For our stakeholders, this policy supports compliance with the End point assessment agreement. It does not replace any of the requirements contained within that agreement. Non-adherence to our Apprenticeship Services EPA policies may constitute Maladministration, Malpractice and/or a breach of the agreement. Please ensure all policies are read and implemented carefully. This policy should also be read in conjunction with the following policies, which are all available on our Qualitrain website (<https://qualitrain.co.uk/policies/>) and from our Assessment Team:

- Malpractice and Maladministration Policy
- Plagiarism Policy
- Moderation and Standardisation Policy
- Recruitment Policy and Procedure
- Complaints Handling Policy
  
- Appeals Policy

### 1.2 Purpose of the Policy

Qualitrain is committed to the highest standards of integrity, openness and probity. We are committed to directly providing, and working with our stakeholders 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, stakeholders and other organisations to feel comfortable and secure in raising relevant disclosures, made in good faith and reasonably believed to be accurate, without fear of victimisation or other adverse repercussions. In particular, relevant disclosures are likely to be those which may conflict with our commitments as outlined above.

### **1.3 Who needs to know about the policy?**

Qualitrain must make the apprentices and staff who are involved in the design, delivery, management, assessment and quality assurance of Qualitrain EPA aware of, and familiar with, the contents of the policy. All Qualitrain staff must be aware of the policy and any changes made.

### **1.4 Obtaining copies of the policy.**

Stakeholders can download copies of the policy from our Qualitrain website or obtain copies from our Qualitrain Assessment Team.

### **1.5 Reviewing the Policy**

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

### **1.6 Complaint**

Stakeholders 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.

### **1.7 Stakeholders**

Within this policy, Stakeholders include but not exhaustive:

Employers

Apprentices

Training organisations / Colleges

Qualitrain staff

Ofqual

## 2. Overview

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 stakeholders working for or on behalf of Qualitrain's EPA, including all colleagues at all locations and at all levels, board members, external contractors, agency workers, stakeholders, 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 stakeholders in managing conflicts of interest in line with their agreement and in supporting us to meet the requirements set out by Ofqual in the Conditions of Recognition (Condition A4).

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 or Responsible Person where appropriate.

These Conflicts of Interest will be monitored closely, particularly during periods of change, to mitigate the possible impact of any potential adverse effect.

Any conflicts of interest that are specific to the End Point Assessment, a Director will be identified and monitored in line with Qualitrain 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:

- x when any Independent End-Point Assessor (IEPA), partner and/or invigilator we appoint does not disclose any actual or potential conflict of interest.
- x an individual has a position of authority in Qualitrain or the Qualitrain Assessment Team which conflicts with his or her interests in another organisation.
- x an individual has a position of authority in one part of the Qualitrain Assessment Team which conflicts with his or her interests in another part of the Qualitrain Group.
- x when an individual has personal interests or relationships that conflict with his/her professional position.
- x where an individual works for or carries out work on Qualitrain Assessment Teams behalf, but who may have personal interests – paid or unpaid – in another business which either uses Qualitrain EPA products or services or produce similar products to Qualitrain Assessment Team.
- x where an individual works for or carries out work on Qualitrain Assessment Teams behalf, who has friends or relatives taking Qualitrain's End Point Assessments, including examinations.

- x when one part of the Qualitrain Assessment Team creates and follows a procedure that conflicts with its regulatory responsibilities as an End-Point Assessment Organisation (EPAO).
- x where an individual takes on additional paid work (on either an employed or self-employed basis) or voluntary work outside the Qualitrain Assessment Team which conflicts with the work of Qualitrain.

Conflicts of interest can also arise where:

- x 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.
- x 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 the delivery.
- x an individual involved in EPA may be working for an organisation that is in direct competition with the organisation involved in on-programme delivery.
- x 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.
- x (a) its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Conditions of Recognition (condition A4),
- x (b) a person who is connected to the development, delivery or award 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 accordance with the awarding organisation's Conditions of Recognition, or
- x (c) an informed and reasonable observer would conclude that either of these situations was the case.

#### **4. Acknowledging a conflict of interest**

If a conflict of interest arises or stakeholder anticipates that it might arise, they need to let Qualitrain know using the Declaration of Conflict of Interest Form – Appendix B. We will work with stakeholders to take steps to minimise any risks and resolve the issue. If you are a partner, 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, stakeholders can add as many conflicts as they need to. This information will be reviewed bi-annually by the Senior Management team (governance terms of reference) who will work with stakeholders to address any areas of particular concern. If there is any doubt whether or not 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 by the responsible person; this may include removing the individual from any involvement in EPA or referring their assessment decisions to another assessor with no vested interest.

All stakeholders must immediately communicate any issue they feel are urgent to an appropriate manager, director or board member as detailed in the GP22-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.

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

If stakeholders become aware of something they don't feel comfortable with, or they feel someone may be acting improperly, please refer to our Whistle-blowing policy.

## **6. Monitoring and Managing Conflict of interest**

Any conflict of interest should be declared and recorded at least annually and that these will be reviewed, maintained and evaluated. This is maintained on our conflict-of-interest register which is also monitored and reviewed annually. The review is reported to the senior management team as part of our ISO 9001 quality management system.

Where further action is needed as a result of a declaration (Appendix B), this is documented and managed accordingly by the responsible person or a nominated person from the board of governance; this may include removing the individual from any involvement in EPA.

Qualitrain will make every effort to manage and mitigate any potential or real conflict of interest in the delivery of the end-point assessment service, which means, 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 student 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 End Point 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. Which 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.

As of the date of this Policy, Qualitrain's EPAO 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**

The integrity of our assessments must be maintained. We are aware that stakeholder 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.

Ofqual has outlined some specific conditions that we must meet to protect integrity across the sector. This includes the requirement that where certain things are identified (such as malpractice), or specific actions are 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 Ofqual that we are no longer compliant due to an act or omission by stakeholders 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 stakeholders, should they be as a result of the act or omission.

When requested to do so by Ofqual in writing, Qualitrain must promptly submit to Ofqual its conflict of interest policy, and must subsequently ensure that the policy complies with any requirements which Ofqual has communicated to it in writing.

### **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 stakeholders in resolving issues. However, nothing within this policy precludes us from invoking our right under our agreement to terminate our relationship with our stakeholders.

## 9. Contacts

Your contact for this policy

If you have any queries about the contents of the policy, please contact our Qualitrain Assessment Team:

Email: [info@qualitrain.co.uk](mailto:info@qualitrain.co.uk)

Telephone: 01773 417340

Post: **Assessment Team**

Qualitrain Ltd

26 Royal Scot Road,

Pride Park,

Derby.

DE24 8AJ

## Appendix A: Glossary of Terms

Abbreviation or Term	Meaning
<b>Agreement</b>	An agreement may be a service level agreement (SLA), stakeholder agreement, agreement for goods/services or any other signed agreement in place with our stakeholders.
<b>EPA</b>	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.
<b>EPAO</b>	End-Point Assessment Organisation: an organisation providing EPA.
<b>Gateway</b>	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”.
<b>ITP</b>	Independent Training Provider: a person who delivers training to an apprentice to enable the apprentice to reach Gateway in conjunction with employers.

<b>IEPA</b>	Independent End-Point Assessor: a person who facilitates an unbiased assessment of an apprentice's competencies against the KSBs of the standard.
<b>LIEPA</b>	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.
<b>Ofqual</b>	Office of Qualifications and Examinations Regulation: a government body regulating examinations, assessments, and qualifications in England and vocational qualifications in Northern Ireland.
Stakeholder	This can be apprentices, employees, employers, external quality assessors, independent training providers and workers.

## Appendix B:

### Conflict of Interest Declaration and Change in Circumstances Form

Our Conflict of Interest Policy explains that a conflict of interest may arise if there are divided loyalties between the personal aims and objectives of people working on behalf of Qualitrain and the aims and objectives of awarding organisations or any other body. You need to sign this Conflict of Interest Declaration and Change in Circumstances Form to confirm that if you are fully conversant with the policy and agree to abide by its content.

Actual or potential conflicts of interest could arise in a number of ways. Please refer to the Conflicts of Interest Policy for a list of some ways, but the list is not exhaustive. Please indicate any possible conflicts of interest that you may have on this form that have not already been declared to Qualitrain Limited. Individuals remain under a continuing obligation to declare conflicts of interests as they arise. Therefore, should circumstances change after completion of the initial declaration, or a new situation arises, all information must be promptly disclosed using this form and reported to your line manager as matter of urgency. The Responsible Officer (Director) must be informed and the issue will be investigated, and a written record of actions taken retained on the Conflicts of Interest Register. If an issue relating a conflict of interest is raised during a meeting, then meeting minutes must record this so a record is kept, and the Conflicts of Interest Register updated accordingly.

Full Name	
Job Role	
Organisation	

Information for declaration must include:

- The type of interest
- The nature of the interest
- A description

The list below is offered, but is not exhaustive and can be added to reflect identified conflicts in the future

<p><b>1. Category</b></p>	<p><i>Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family, connected person or some other close personal connection. Or enter N/A</i></p>	<p><i>Reasonable steps to mitigate the adverse effect as far as possible (this section to be completed by board of governance)</i></p>
<p>1a. Current employment and any previous employment in which you continue to have a financial interest. e.g: full/part time employment or other Service Level Agreement contracts.</p>		
<p>1b. Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals etc.</p>		
<p>1c. Membership of any professional bodies, special interest groups or mutual support organisations.</p>		
<p>1d. Investments in unlisted companies, partnerships and other forms of business, major shareholdings (i.e. more than 5% of issued share capital) and beneficial interests.</p>		
<p>1e. Gifts or hospitality valued at £20 or over, offered to you by external bodies in relation to contract at Qualitrain and <b>whether this was declined or accepted in the last 12 months.</b></p>		
<p>1f. Any other contractual relationship with the company or its subsidiaries i.e. contracts within Qualitrain Group</p>		

<p>1g. Any other conflicts that are not covered above.</p>		
<p><b>2. Category</b></p>	<p><i>Please give details, for the <b>previous 12 months</b>, including date and outcome (or a nil response)</i></p>	<p><i>Reasonable steps to mitigate the adverse effect as far as possible (this section to be completed by board of governance)</i></p>
<p>2a. Any criminal convictions or proceedings in progress.</p>		
<p>2b. Any finding by a court or any professional, regulatory or government body of a breach of provision of any legislation or regulatory obligation.</p>		
<p>2c. Any bankruptcy, arrangement with creditors, or similar financial arrangement which has been applied and from which I have not been discharged.</p>		
<p>2d. Any disqualification from holding a directorship or other public office.</p>		
<p>2e. Any finding of malpractice or maladministration in relation to a qualification (whether regulated or not).</p>		
<p><b>3. EPAO Specific.</b>                  A Conflict of Interest exists in relation to an awarding organisation where –</p>	<p><i>Please give details, for the <b>previous 12 months</b>, including date and outcome (or a nil response)</i></p>	<p><i>Reasonable steps to mitigate the adverse effect as far as possible (this section to be completed by board of governance)</i></p>
<p>3a. Part (a) covers Conflicts of Interest that relate to the awarding organisation. That is, situations where activities carried out by the awarding organisation itself (or on its behalf, or by a related company) might impair its ability to make objective, unbiased decisions about how best to develop, deliver or award its qualifications.</p> <ul style="list-style-type: none"> <li>Does the individual carrying out the assessment, investigation or appeal have any reason or incentive to make anything other</li> </ul>		

than a decision in line with the relevant Conditions?		
3b. part (b) covers Conflicts of Interest that relate to the individuals <u>connected to</u> any part of the development, delivery or award of its qualifications. That is, situations where a particular individual's interests might impair their ability to make the objective, unbiased decisions that are necessary to ensure the awarding organisation can develop, deliver and award its qualifications in line with the Conditions.		
3c. (c) an informed and reasonable observer would conclude that either of these situations was the case.		
3d. Are you responsible for the development of any confidential assessment materials?		
3e. Do you hold any positions of Governance for any other organisations?		

To the best of my knowledge, the above information is complete and correct. I undertake to update, as necessary, the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used in connection with my employment and/or affiliation in/with the company and for no other purpose.

By signing my name below, I am agreeing that I have read and understood the contents of the Conflicts of Interest Policy and have declared any previously undisclosed conflicts of interest on this form.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**Storage:** HR File (Store electronically signed declaration within MyHRToolkit (Document Library, Miscellaneous and Conflicts of Interest tab). Prior to 2021, wet signatures gained and paper-record retained in HR File. **Retention Period:** 6 years

**Reviewed and Approved by:** \_\_\_\_\_

**Date:** \_\_\_\_\_