

# Conflict of Interest Policy

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# Scope

This policy covers the delivery of the End-Point Assessment (EPA) for Marshall Assessment EPAO265

The policy is designed to:

- protect apprentices who are registered with us
- minimise the risk of an adverse effect occurring
- help support each member of our organisation involved in risk management and risk minimisation
- help ensure that each employee/consultant complies with all relevant legislation and guidance
- help improve and refine our processes and services.

This policy should also be read in conjunction with our other policies:

- Malpractice (internal and external) and Maladministration Policy
- Appeals Policy
- Reasonable Adjustments and Special Considerations Policy
- Invigilation Guidance document

# Purpose

We are committed to the highest standards of integrity, openness and probity. We are committed to working together in a transparent and honest working environment that is free from wrongdoing, malpractice or corruption.

The purpose of this policy is to allow our apprentices, employers, training providers, EPA team members and other organisations to feel comfortable and secure in raising relevant disclosures, made in good faith and reasonably 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.

# Responsibilities

Marshall Assessment makes all team members who are involved in the design, delivery, management, assessment and quality assurance of the EPA aware of, and familiar with, the contents of this policy. The policy can be downloaded from our website, or copies may be obtained from our EPA Team. We will review this policy annually and may revise it as required in response to the findings of any review.

# 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 members of the organisation, including admin team members, assessors, invigilators and members of the Board. This policy is also relevant to employer registered assessors, technical experts and any individual who is a member of an investigating committee or Subcommittee.

This policy is intended to set out the responsibilities of all members of the team in managing conflicts of interest in line with their contract/agreement and in supporting us to meet the requirements as set out by the ESFA and in the Ofqual Conditions of Recognition (A5).

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 Board 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 effect.

Any conflicts of interest that are specific to assessors and invigilators with regard to the apprentices, employers or training providers will be actioned as soon as the Board are made aware of them.

# Definition

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

- when any End-Point Assessor, invigilator or EPA admin team member does not disclose any actual or potential conflict of interest;
- when an individual has a position of authority in the Board that conflicts with his or her interests in another organisation;
- 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 behalf of the EPA Team but who may have personal interests – paid or unpaid – in another business which delivers the same EPA Standards;
- where an individual works for or carries out work on behalf of the EPA Team who has friends or relatives completing the assessment or an employer of an apprentice completing the assessment with Marshall Assessment;
- when a member of the 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 of the EPA Team that conflicts with the work of Marshall Assessment.

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 programme delivery;
- an individual involved in EPA has a prior link with the apprentice, their employer or an organisation involved in the 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 Marshall Assessment;
- 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.

## Acknowledging a conflict of interest

If a conflict of interest arises or is anticipated that it might arise, the individual must inform the EPA Manager using the Declaration of Conflict of Interest Form – Appendix A.

We will work with team members to take steps to minimise any risks and resolve the issue. Team members can raise as many Declaration of Conflict of Interest Forms as they need to. This information will be reviewed by the EPA Manager prior to each EPA cohort, ensuring that no member of the team, including assessors and invigilators, assess an apprentice for whom they have declared a conflict of interest. All declared conflicts will be assessed by either the senior management, Board or Trustees depending upon the individual and action reviewed.

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.

If members of the Board or Trustees determine that a Conflict of Interest exists with one of them, the conflicted person may make a presentation to the other members of the Board regarding the Conflict of Interest. After any such presentation the Conflicted Person shall leave the meeting and shall not be present during any discussion of the Conflict of Interest. Conflicts and their mitigation will be added to the relevant Risk Register for formal and regular review.

## Managing conflict

Any conflict of interest should be declared and recorded as soon as the individual becomes aware of them. 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 a particular assessment or the full assessment of an EPA.

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 EPAs 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 should not be employed by the same organisation as the apprentice, nor involved in, nor responsible for, any programme delivery, line-management or programme assessment of the same apprentices.

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

Where Board members are conflicted during meetings they must declare the conflict and reclude themselves from the discussions as described in the conflict risk register. During investigations into malpractice, maladministration, appeals, sanctions etc. Board members may be cited or otherwise conflicted and an independent third party investigator will be used as described in the relevant policies.

## Mandatory disclosure and confidentiality

It is imperative the integrity of our assessments is maintained. 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 that has put us in breach. In this event, we may have regulatory action directed against us. In accordance with the Agreement for Provision of Services Relating to End Point Assessment, we reserve the right to direct any financial penalties against partners, should they be as a result of the act or omission.

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.

## 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.

## Undue Influence

Undue influence with regard to activities of end point assessment refers to any attempt to interfere with the procedures of Marshall Assessment or to inappropriately place pressure on a Board member, IA or staff member in order to obtain a specific outcome, i.e., EPA grades, EPAO selection, achievement rates. Any attempts to unduly influence MA threatens the independence of the EPAO process and the integrity of Apprenticeship Standards; and requires prompt reporting by individuals who experience or are aware of occurrences of undue influence via the MA Whistle-blowing policy. Undue influence also includes instances where MA may attempt to influence the Board, staff members or consultants of other organisations it works with or may wish to work with.

## Assessing Declarations of Conflict

When an individual declares a conflict of interest or perceived conflict of interest the Board members will review the declaration and make a decision on the likely effect the conflict might have upon the reputation of the organisation and its ability to make valid assessment decisions. The board will consider all opportunities to mitigate the risk that the conflict brings and ensure that the risk is reduced or removed.

The actions that must be taken will be described within the declaration form and will inform the individual of what is expected and for how long. These measures may therefore be temporary in nature or be of such significance that the individual can no longer carry out their duties for Marshall Assessment.

## Termination for convenience

Our actions under this policy will be proportionate. Where possible, we will always try to work with the members of our team including the assessors and invigilators in resolving issues. However, nothing within this policy precludes us from invoking our right under our agreement to terminate our relationship with an assessor/invigilator or any other member of staff.

## Appendix A: Declaration of Conflict of Interest Form Conflict of Interest – Disclosure Form

Confidential (When Completed)

Name:
Position Held/Role:
Location:
Organisation (if applicable):

### Personal, Financial or business interests outside Marshall Assessment

Please list any personal, financial or business interests that are within the apprenticeship or education sector.

### Conflict of interest or potential conflict of interest

Describe the conflict of interest or potential conflict of interest that has the potential to impact on your ability to carry out, or be seen to carry out, your allocated role with regard to the End Point Assessment Conflict of Interest Policy.



Continuation:

### Declaration

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 the organisation of any relevant changes in my (or our) personal (or professional) circumstances.

Signature:

Date:

Action Taken:

**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 Board Member:

Date:

Employee Endorsement:

Date:

# Appendix B: Marshall Assessment Conflict of Interest Flow Chart

New employee / contractor joins Marshall Assessment

Each new member of the team will complete a COI declaration to be assessed by the board

Each Assessor will click to declare any COI before accepting a booking for EPA on ACE360

(Including ERA's or TE's)

Before accepting a booking for End Point Assessment

COI statement on each IQA section is completed by all internal quality assurers

Assessment materials at IQA stage

All staff complete an annual COI declaration; to be reviewed by the Board and Trustees

Annual Conflict of Interest Declaration

Active Conflict of Interest Declaration

All staff are required to complete a COI declaration if their circumstances change

All declarations are reviewed at Board and actions and mitigations agreed

Review of declared COI's by the Board, actions agreed by Governor.

Anyone involved in the Investigations into Malpractice, Maladministration, Appeals, Sanctions and Disciplinarys make a conflict of interest declaration before they take any active role, where conflicts prevent them from participating an alternative suitably qualified individual or external third party will be used.