

# Conflict of Interest

## *Conflict of Interest*

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

- Senior Management team (EPA Director; Quality Director; Business Development Director)
- All End-Point Assessors (EPA) personnel, to include administrative staff, Internal Quality Assurers (IQAs)
- Stakeholders to include Apprentices and Employers
- Associates, acting in the capacity of an EPA or IQA
- Partner organisations, to include Awarding Organisations/External Quality Assures (EQAs) and certification bodies

It is the responsibility of all staff at PAL to ensure they are familiar with what constitutes a conflict of interest and how to declare such an interest and the consequences of not apprising the Quality Director of any such conflict.

PAL acknowledges it cannot pre-empt when a conflict of interest is likely to arise, and no policy can cover every eventuality. PAL regards there to be a conflict of interest if an individual's interest and/or loyalties conflict with those of PAL and the principles of independent assessment. For the purpose of independent assessment, PAL regards a conflict of interest where an assessor has been involved in any aspect of apprenticeship on-programme delivery or has line managed an apprentice or worked in the same establishment as an apprentice or employer location in the last three years from the inquiry of end-point assessment.

Conflict of interest can be regarded as a member of staff having a vested interest to meet targets and either undertaking or influencing assessment outcomes that are not congruent with the apprentice's capabilities. In such circumstances, where proven this would be seen as malpractice and result in the suspension and sanction policy being invoked and disciplinary action being taken.

Where any such a conflict exists, PAL assigns another assessor from our bank of assessors. PAL also recognises conflicts of interest can even exist between assessor and IQA or IQA and external stakeholders and takes appropriate precautions to minimise such conflicts.

## *Minimising and Preventing Conflicts*

The Quality Director takes the lead to minimise and prevent conflicts of interest concerning the assessment and quality assurance processes and does this by ensuring:

- All staff CVs are checked, and employment histories are reviewed in relation to any assigned assessment. In addition to employment history checks, the appointed EPA assessor and IQA are required to sign a declaration of on conflict of interest for every end-point assessment activity allocated to them.
- Providing and facilitating an open dialogue with all stakeholders, which includes providing information and guidance on appeals and disputes; complaints and who to contact regarding any concerns or bias pertaining to the assessment and quality assurance process
- Unreasonable barriers are not created to any apprentice or employer wishing to undertake an end-point assessment with PAL.

- Not favouring particular standards, employers or apprentices to gain some form of competitive advantage

The Business Development Director takes the lead to prevent and minimise conflicts of interest concerning business practices and by:

- Avoiding arrangements that might reduce competition or create exclusive arrangements
- Avoiding practices that could be construed as anti-competitive or restrictive practice
- Providing employers and apprentices with objective advice on the assessment services and ensuring all advice is understood and service level agreements specify clearly the service and cost of the assessment services.

PAL directly employs its assessment and IQA staff, Quality Director and Business Development Director and associated administrative staff and as such the conflict of working for multiple stakeholders is reduced. CPD activities and secondments back into industry are regulated to avoid any potential conflicts.

In some circumstances, PAL will use the services of freelance assessors, subject to appropriate recruitment and selection and validated checks of competence and completion of a conflict of interest declaration.

We recognise that conflicts of interest can manifest in various ways, across a range of situations and all staff receive instruction on examples of what as a company and as an assessment organisation we regard as a conflict of interest, including for example:

- One apprentice is favoured over another
- One employer is favoured over another
- Insufficient account of the needs of the apprentice is taken, and assessment is in contradiction of our special considerations policy
- An assessor has been directly involved in the on-programme delivery of the apprenticeship that now requires end-point assessment or line managed or worked with the apprentice in the last three years
- Where an Assessor or IQA or any EPA staff member has a family or close personal connection to personnel in the AOs, who have been commissioned to devise and moderate tests
- An IQA has connections (to include family connections) with the apprentice and or employer that could influence IQA sampling and checks
- An IQA has connections (to include family connections) with the EPA assessor that compromises the quality assurance process
- A conflict or disagreement arises or exists between the assessor, employer and/ or apprentice or assessor and IQA that influences any aspect of the assessment or quality assurance process

The above list is not exhaustive, it is believed by adhering to the principles of neutrality, openness and fairness conflicts can be avoided or managed without compromising the assessment and quality assurance practices associated with independent assessment.

## Conflict of Interest – Procedure

The procedure for reporting and managing potential or existing conflicts is as follows:

1. **Declare Interest:** Individual or critical stakeholder to declare identified potential or actual conflict
2. **Resolution of Conflict:** A discussion should take place, and the purpose of the discussion is to decide on how the conflict will be managed. The circumstances of the disclosure will dictate who is involved in the discussion. Where the Quality Director cannot oversee such discussions (as they are the object of conflict) the Business Development Director will facilitate the meeting. If a potential conflict of interest has been advised by the use of the Whistleblowing policy, the chair of the discussion will make use of the evidence disclosed, but the Whistle-blower is not required to partake in the discussion
3. **Decision:** Normally it will be sufficient to: gain an undertaking from the individual or key stakeholder to conduct their responsibilities so that the integrity of the centre is maintained, as well as their integrity; reorganise activities and /or key functions so that the conflict is mitigated. If neither of these steps is possible, another solution must be agreed, and this could include formal sanctions, change in risk banding for an assessor, increased sampling or monitoring of work in case of assessors and IQAs or in the most severe cases suspension from duties in the case of any PAL personnel. The solution will be proportionate to the nature of the conflict, and the decision about how the conflict is managed is final.
4. **Log Conflict and Resolution:** A declaration of interest form is provided and logged in a secure area of the management information database. The information will include Person raising the issue; the date when conflict issue raised; nature of the conflict; discussion date; attendees; discussion points; Resolution-immediate action and if required any longer-term requirements, to include periods of monitoring of events or individuals where required. PAL's MIS for every assessment assigned, will ask the Assessor to complete a declaration of independence and cite any known conflicts of interest
5. **Monitor and Review Decisions and Actions:** The Quality Director will review the log on a bi-monthly basis to ensure that actions forming part of the resolution have been implemented.

The following are examples of the most likely conflicts of interest and the principles applied to manage the conflict (this list is not exhaustive):

- Senior management team member has had any connection with an apprentice, assessor IQA or employer; this is managed by ensuring that the individual will not participate in any discussions/decisions relating to the conflict, and may be required to leave the meeting
- In the event of a Conflict of Interest being declared or identified to the Business Development Director or Quality Director, a member of the PAL senior management team will investigate and agree on the appropriate actions to manage the conflict of interest
- An EQA contact is appointed to PAL who has previously worked with any member of the PAL assessment team in the last eighteen months, the PAL Quality Director informs or is informed by the relevant EQA body and ensures that the EQA is not allocated to work with PAL within an 18 month period of leaving PAL employment
- An assessor or IQA is appointed or assigned to undertake EPA assessment or IQA where they have connections to the employer and/or apprentice in the last 36 months (3 years), the Quality Director will re-assign personnel

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*Person Responsible for review: Quality Development Director*

*This Policy has been agreed by Linda Martin, Managing Director*

