

ITC First

**P13
Conflicts of Interest Policy [2.1]**

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ITC First

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Website Access

For all policy statements and downloadable documents,

Upload to:

Ofqual Portal	SQA Accreditation SharePoint	ITC WebOffice Support Resources	ITC Public Website	ITC Google Drive
x	√	√	√	√

Conflicts of Interest Policy

1. Overview

1.1 A Conflict of Interest [COI] is defined by Ofqual (A4.1), and this policy document will apply that definition when referring to conflicts of interest, both when ITC is operating as an Awarding Organisation and as an End Point Assessment Organisation for Apprenticeships.

“A4.1 A conflict of interest exists in relation to an awarding organisation where -

- (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,
- (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
- (c) an informed and reasonable observer would conclude that either of these situations was the case“

1.2 SQA Accreditation has a somewhat briefer definition which is “A situation in which an individual, or organisation, has competing interests or loyalties”. Neither contradict each other and so both are considered in this policy.

1.3 This policy describes how conflicts of interest are identified, managed and monitored.

1.4 This Policy is separated into 3 distinct sections:

Section 1: When ITC is operating as an Awarding Organisation

Section 2: When ITC is operating as an End Point Assessment Organisation of Apprenticeships

Section 3: ITC as a business

Section 1: When ITC is operating as an Awarding Organisation/Body

2. Conflicts of interest that may arise within ITC's operation as an awarding organisation/body

Conflicts of interest are many and varied and a general overview is given here. Clearly there can be more and hence this list within section 2 is not exhaustive.

- 2.1 The main concern for a conflict of interest is where a learner could be disadvantaged or given an advantage by an Assessor/Centre in regard to a qualification. Any conflict of interest in such cases must be declared.
- 2.2 Another conflict of interest is where the Internal Quality Assurer gives an advantage or disadvantage to an Assessor in their annual observation of assessment decisions/CPD/standardization events. Within independent sole trader Centres delivering First Aid this becomes more likely due to Internal Quality Assurance being undertaken by other traders operating within the Cluster set up.
- 2.3 Conflicts of interest can arise by External Quality Assurers (EQA) giving a Centre an advantage or disadvantage via their EQA report and action plan.
- 2.4 Conflicts of interest can also arise in the opposite direction whereby IQAs and EQAs feel pressurised by a Centre or Assessor to act contrary to the situation due to a conflict of interest.
- 2.5 Conflicts of interest can also arise between staff at ITC and Centres whereby ITC staff may give an advantage or disadvantage to certain Centres due to a conflict of interest and award/not award certificates regardless of the achievement of the learner.

3. Identifying conflict of interests

- 3.1 All Senior Officers of ITC are required to make an annual declaration of any conflicts of interest in regard to qualifications/Centres/Assessors and how they will be mitigated via form U1. These identified conflicts of interest are logged on the register, RE3 which is part of the electronic PCAP. This has been a requirement due to ITC being a family-run business.
- 3.2 All external quality assurers are required to identify any relationships with Centres and/or their staff to enable appropriate allocation of EQAs to each Centre. All EQAs complete form EV9 annually and discuss these possible conflicts of interest with the Chief Verifier.
- 3.3 All Centres are required to have their own Conflicts of Interest Policy and ITC requests a declaration from a Centre initially, form D1. ITC provides a template policy for Centres to use if required. Some Centres choose to repeat the completion of form D1 each year, depending upon frequency of staff and Centre-remit changes.
- 3.4 Many conflicts of interest however often arise when a learner arrives on a course and so there are issues to be addressed at this point (see section 4).
- 3.5 The Centre approval process by ITC is the first stage when a conflict of interest may be identified by ITC and/or the Centre and prior to the Centre Agreement, discussions will occur to mitigate any conflict of interest. A D1 will need to be completed. This stage may identify potential conflicts of interest between a Centre and a Cluster IQA or an EQA.
- 3.6 Throughout the delivery of qualifications by a Centre, EQA visits occur at timely intervals,

whether announced or unannounced and these also enable potential conflicts of interest at a Centre to be identified.

- 3.7 The roving EQA role and oversight of all action plans and EQA activity by the Chief Verifier also enables the detection of conflicts of interest by ITC.
- 3.8 The procedures and policies of ITC, and Centres, are designed to enable conflicts of interest to be detected and managed to avoid adverse effects within the delivery and assessment of regulated and non-regulated qualifications arising due to conflicts of interest.

4 Managing conflicts of interest

- 4.1 The main concern for a conflict of interest is where a learner could be disadvantaged or given an advantage by an Assessor/Centre in regard to a qualification. Any conflict of interest in such cases must be declared and appropriate actions taken to mitigate the conflict. ITC has to confirm under Ofqual Condition of Recognition A4.5, that it takes all reasonable steps to avoid any part of the assessment of a learner (including by way of quality assurance) being undertaken by any person who has a personal interest in the result of the assessment. Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided ITC will ensure that arrangements (i.e. mitigation) are made for the relevant part of the assessment to be subject to scrutiny by another person as detailed below.
 - a) In the majority, if not all of cases, the integrity and honesty of the Assessor will ensure that no advantage or disadvantage is given and IQA or EQA activity will confirm this.
 - b) if an Assessor feels they will be under pressure from a learner to give an advantage, then another Assessor/member of Centre staff needs to be present to manage the situation or the learner offered an alternative course with a different Assessor
 - c) if an Assessor believes they will inadvertently advantage or disadvantage a learner then they should request an additional Assessor be present or request the learner attends a course with a different Assessor
 - d) ITC should be notified of any conflict of interest if the above occurs in regard to a course/qualification. The Centre must identify this occurrence on form 06 (End of Course Delivery) and the mitigation/outcome for the scenario. If a new course is to be offered or an alternative assessment date then form C7 (Special Considerations) may need to be completed.
- 4.2 The other scenarios are managed by appropriate professional behaviour and following the policies and procedures of ITC. When conflicts of interest are identified, ITC and Centres will discuss with EQAs and IQAs too as to the appropriate measures that can be put in place to ensure adverse effects do not occur due to conflicts of interest.
- 4.3 An example of how this is managed is by an EQA not interacting with a Centre that it has worked for as an Assessor or IQA for a minimum of 7 years so that there can be no misplaced loyalty. (EV9).

Section 2: When ITC is operating as an End-Point Assessment Organisation of Apprenticeships

5. Conflicts of interest that may arise within ITC's operations

Conflicts of interest are many and varied and a general overview is given here. Clearly there can be more and hence this list within section 5 is not exhaustive.

- 5.1 The main concern for a conflict of interest is where a learner could be disadvantaged or given an advantage by an Assessor to their apprenticeship. Any conflict of interest in such cases must be declared and an Assessor cannot also be involved in the on-programme delivery or employment of the apprentice under assessment, or their group of peers.
- 5.2 Another possible conflict of interest is where the Internal Quality Assurer gives an advantage or disadvantage to an Assessor in their observation of assessment decisions/CPD/standardization events.
- 5.3 A possible conflict of interest is where ITC show preference to a particular Assessor or small group of Assessors, to the exclusion of other appropriately qualified and experienced Assessors.
- 5.4 Rules for being on the Register of End Point Assessment Organisations include that there can be no collusion with other End Point Assessment Organisations, Training Providers, Employers or any other organisation involved in the delivery of EPAs.

6. Identifying conflict of interests

- 6.1 All Senior Officers of ITC are required to make an annual declaration of any conflicts of interest in relation to End-Point Assessment of Apprenticeships and how they will be mitigated via form U1. These identified conflicts of interest are logged on the register, RE3 which is part of the electronic PCAP.
- 6.2 All internal quality assurers and end-point assessors involved in the end-point assessment of apprenticeships are required to identify any relationships with apprentices, training providers, employers and/or their staff to enable appropriate allocation of an assessor and an IQA. All IQAs and end-point assessors complete form EV9 annually and discuss these possible conflicts of interest with the Chief Verifier.
- 6.3 ITC will declare any links to Employers or Training Providers to the Lead EQA for the Apprenticeship Standard to enable any potential Conflict of Interest to be discussed and managed. ITC will utilize any form required by the EQA organisation for the standard.
- 6.4 ITC will follow all guidance provided for End Point Assessment Organisations in regard to the identification, declaration and management of Conflicts of Interest.

7. Managing conflicts of interest

- 7.1 ITC agrees to manage conflicts of interest in line with any requirements by the EQA Organisation for the Apprenticeship Standard and the requirements for being on the Register of End Point Assessment Organisations (the Register).
- 7.2 The requirements for the Register are given in section 9.4.
- 7.3 The main concern for a conflict of interest is where an apprentice could be disadvantaged or given an advantage by an Assessor in regard to the End Point Assessment. Any conflict of

interest in such cases must be declared and appropriate actions taken to mitigate the conflict, namely a different Assessor will be allocated. Where, having taken all such reasonable steps, a new Assessor cannot be provided (due to lack of relevant expertise or lack of Assessors in the UK) ITC will ensure that arrangements (i.e. mitigation) are made for the assessment to be subject to scrutiny by another person as detailed below, with discussion with the Lead EQA in advance.

- a) In the majority, if not all of cases, the integrity and honesty of the Assessor will ensure that no advantage or disadvantage is given and IQA and/or EQA activity will confirm this;
- b) If an Assessor feels they will be under pressure from an apprentice/Employer or Training Provider to give an advantage, then an IQA or EQA needs to be present to manage the situation;
- c) If an Assessor believes they will inadvertently advantage or disadvantage an apprentice then they should request an IQA and/or EQA be present;
- d) ITC should be notified if no resolution can be attained and if an alternative assessment opportunity is to be offered as form C7 (Special Considerations) may need to be completed.

Section 3: ITC as a business.

8. Procedures for ITC as a business

- 8.1 In terms of ITC Senior Officers there may be conflict of interests declared to individual Centres due mainly to the nature of the first aid profession, and hence these conflicts of interest are managed by another Senior Officer dealing with awarding, certification and any other interaction with the Centre that could be unduly influenced.
- 8.2 All conflicts of Interest that arise or are declared are monitored by the Quality and Compliance Manager and recorded on the electronic register, RE3.
- 8.3 The Policy Review Committee oversees all activities including conflicts of interest and has incorporated it into its terms of reference (CG1, Section 8.2e) and also within the job descriptors of the Quality and Compliance Manager (JD16, Section 2.2 c (II)), the Chief Executive Officer (JD15 Section 2.2 f(ii)) and the Awards Manager (JD1, Section 2.2 e(v)).
- 8.4 The Senior Officers and Governing Body of the Policy Review Committee are ultimately responsible for monitoring the effectiveness of ITC documented procedures including conflict of interest mitigating measures. Conflict of interest is considered as part of Policy Review Committee meetings. Where conflict of interest is identified the Policy Review Committee will take appropriate action to mitigate or remove the conflict. Identified conflict of interest will be reported, with any subsequent action (and monitoring) recorded in RE3 and on the PCAP (Policy Committee Action Plan).

9. Compliance with Regulatory Conditions

- 9.1 ITC will comply with the regulatory conditions by
- updating this policy as required,
 - reviewing evidence regarding conflicts of interest by the Policy Review Committee, at least once annually,
 - a written summary of conflicts of interest is provided for the Policy Review Committee to review, by the Quality and Compliance Manager (JD16 section 2.2 c (ii)),
 - RE3 will form part of Policy Committee Action Plan,
- 9.2 ITC agrees to comply with the following regulatory statement from Ofqual:
“A4.8 When requested to do so by Ofqual in writing, an awarding organisation 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.”
- 9.3 ITC agrees to comply with the following extract from the SQA Accreditation Regulatory Principles (2021) in regard to Supplementary Information for Principle 1 *“The awarding body must have an accountable officer and demonstrate it has clearly defined and effective governance arrangements. The awarding body is also responsible for ... the managing of conflicts of interest. ... The awarding body must co-operate in an open and transparent way and make SQA Accreditation aware of any information which should be disclosed.”*
- 9.4 ITC agrees to comply with the conditions for being on the Register of End Point Assessment Organisations as given in section 6 of the guidance (www.gov.uk/guidance/conditions-for-being-on-the-register-of-end-point-assessment-organisations#your-organisation-details):

“6. Conflict and collusion

6.1. You must make every effort to manage and mitigate any potential or real conflict of interest in the delivery of your EPA service.

6.2 Where a potential conflict emerges you must take appropriate action to ensure that the integrity and validity of the EPA you deliver is not compromised. This may mean, for instance, removing individuals from any involvement in the assessment process where there is a risk of conflict. The independence of your decision on the competency of the apprentice is paramount. Any actual or perceived conflict of interest can undermine both the outcome of the EPA and your credibility as a trusted assessor of apprentices.

6.3 As part of the application process for the register you have demonstrated that you have a conflict of interest policy in place and that you understand the requirements for separate and independent EPA. You must actively maintain and review your conflict of interest policy, recognising that you will need to respond to changes in what may constitute a potential or real conflict as you build relationships with employers and providers, expand your EPA offer to new standards and assessment plans and engage with EQA bodies.

6.4 Your conflict of interest policy must operate at an organisational as well as at individual assessor level, including any organisations and individuals with which you have contracted to support your delivery of EPA. You are ultimately accountable and responsible if we find evidence that there has been a conflict of interest for your organisation, with an individual assessor, group of assessors, employers, providers, apprentices or an EQA body.

6.5 While on the register you may also wish to offer on-programme support to providers. Where this is the case, there must be a clear separation between your on-programme support services (non-mandatory or mandatory on programme qualifications, provision of support materials for on-programme learning) and your EPA activity.

6.6 It is possible for you to be listed on both the register of apprenticeship training providers and also the register of EPAOs. If this is the case, you must meet the respective entry criteria and requirements of both registers, ensure robust separation of your individual business offers (including how you manage them) and also ensure:

- there is a clear separation of individuals, processes, policies and roles and responsibilities between the training and the assessment arm of your organisation
- no individuals involved in on-programme delivery can be involved in EPA for the same individual or group of apprentices
- you do not deliver on-programme training and EPA for the same group of apprentices for the same standard (unless an exemption has been agreed or you are delivering both the programme and the EPA as part of an integrated degree apprenticeship)

6.7 The separation described above also applies if your organisation has dual or multiple roles. For example, if you are a professional body which is also an awarding organisation and EPAO, there must be clear separation between these functions. Similarly, if you are an apprentice employer, who has been granted an exemption allowing you to assess your own apprentices through the relevant published assessment plan, there must be a clear separation between these functions.

6.8 You must not collude with other EPAOs, providers, employers or any other organisation in the delivery of EPA.

6.9 By collusion we mean you and another organisation:

- entering the register with the express intention of delivering EPA to each other's apprentices and or of circumventing the requirement both for the employer to select the EPAO and for separate and independent assessment
- already on the register entering into such reciprocal arrangements at a later stage

6.10 We will view such reciprocal arrangements as deliberate collusion which will not only undermine the independence of EPA but also limit open competition in the EPAO market.

6.11 You must not be party to or actively offer or accept incentives or inducements to or from employers and or providers in connection with your engagement to deliver EPA.

6.12 It is permissible to work with other organisations for the purposes of sourcing assessors. In such circumstances it is your responsibility to ensure any conflicts of interest are managed and it must be clear that whilst performing their assessor role, assessors are doing this on your behalf as the registered EPAO.”

10. Strategic conflicts of interest

- 10.1 ITC Governing Body recognises that conflicts of interest potentially exist at the strategic or commercial/business level. The Policy Review Committee is to review this level of conflict of interest when reviewing the annual Business Report, new qualification proposals (BP5) and the Policy Committee Action Plan.