

CMI EPA Conflicts of Interest Policy

February 2023 • V3.1



History

Date	Amendments Made
10/03/2021	Thorough review and update of whole document
17/02/2022	Thorough review and update of whole document in context to Ofqual General Conditions of Recognition- A4, current CMI policy and procedure
27/02/2023	Review of whole document in context to Ofqual General Conditions of Recognition- A4, current CMI policy and procedure

Distribution

Distribution List

- This policy will be published on the CMI website
- All EPA Managers
- Employers
- Training Providers
- Associated Third Parties

Purpose

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The purpose of this policy is to set out the guidelines and procedures for identifying, monitoring and managing actual, perceived and potential conflicts of interest relating to the delivery of end-point assessment and internal quality assurance of CMI end-point assessments.

Scope

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This policy applies to all CMI staff (including contractors), plus the CMI Regulatory Compliance Committee, CMI Board of Trustees and all training provider/employers staff involved in CMI end-point assessment.

Introduction

Document Introduction

Regulations require CMI to identify and monitor all conflicts of interest which may relate to it and identify potential conflicts of interest that may arise in the future. To do so, CMI must establish and maintain up to date policies and procedures that clearly define conflicts of interest, as well as procedures for recording and mitigating conflicts of interest. This document applies to the delivery of all EPA services and end point assessment of all apprenticeships. This policy provides clear arrangements for making identification and management of conflicts of interest in relation to CMI end-point assessment. This policy sets out:

- Definition of conflict of interest
- Management of conflicts of interest
- Identification of potential conflicts of interest
- Recording conflicts
- Monitoring and review of conflicts; including investigations

Definition of Conflict of Interest

What is a Conflict of Interest?

Ofqual states: “In general terms, a conflict of interest exists when an organisation or an individual has competing interests, which might impair its or their ability to make objective, unbiased decisions.”

There are a number of potential conflicts of interest, which should be taken to include ‘personal interest’. Ofqual’s Conditions of Recognition require the End-Point Assessment Organisation to identify “any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future”. This section sets out these scenarios.

Conflicts may be considered as:

- Actual conflicts which relate to CMI – “That is, situations, where activities carried out by the end-point assessment 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 carry out end-point assessments’.
- Actual conflicts which relate to individuals (a ‘personal interest’) connected to any part of the development, delivery or impartial conclusion of CMI end-point assessment “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 end-point assessment organisation can develop, deliver and provide end-point assessment in line with Ofqual Conditions of Recognition and the ESFA - Conditions for being on the register of end-point assessment organisations”. This will include internal conflicts and will include all CMI staff and contractors acting in any capacity for CMI, and external conflicts and will include staff of training provider/employer, whether full time, part time, contracted staff or in any other capacity involved in CMI end-point assessment.
- Perceived conflicts (which may relate to either CMI or individuals) where an observer would perceive that an end-point assessment organisation or individual has such a competing interest.

‘CMI staff’ should be taken to include both salaried employees of CMI as well as individuals contracted by CMI for specific services e.g., end point assessment, quality assurance, consultancy etc.

Scenarios in which a conflict of interest or personal interest could reasonably be foreseeable are as follows:

Potential conflict of interest or personal interest involving end-point assessment

- A member of the CMI staff has a close personal relationship (or one that could reasonably be perceived as such) with an Apprentice who is undertaking an end-point assessment with the CMI.
- A member of CMI staff undertaking assessment and/or internal quality assurance of the work of a friend, acquaintance or family member undertaking end-point assessment with the CMI.
- A member of CMI staff acting in an assessment or quality assurance role for a CMI Training Provider (e.g. IQA) as well as acting in an Apprenticeship Assessor (IAA) role for CMI for that Training Provider/Employer
- A member of CMI staff with access to Apprentice records has a close personal relationship (or one that could reasonably be perceived as such) with an Apprentice who is undertaking end-point assessment with CMI and can access EPA Apprentice records and data e.g. assessment records
- A member of CMI staff undertaking CMI end-point assessment as an apprentice which will be assessed and internally quality assured by another member of CMI staff
- A member of CMI Executive Leadership Team, Operational Leadership Team or Strategic Leadership Team with a personal interest with an Apprentice or Training Provider/Employer.

Management of Conflicts of Interest

Identification of potential conflicts of interest

All stakeholders are required to record potential or actual conflicts of interest and personal interest, dating back for a minimum of 3 years. This happens upon recruitment and is requested annually at contract renewal (during March each year). Additionally, all stakeholders are required to declare any new conflicts as soon as they are identified during the course of any contract year, by emailing epa.alsupport@managers.org.uk. If there is any doubt that the situation represents a potential conflict, it is recommended that it should be declared.

The register of Conflicts of Interest is managed, monitored and maintained by the Awarding Body Admin Support Team. Decisions will be taken by the ‘relevant person’ - this will be a member of CMI staff with the authority to make such a decision, and most usually would be the End Point Assessment Quality Manager or nominated

representative. The 'relevant person' will then:

- Assess the nature of the conflict
- Assess the risk or threat to the organisation's functions
- Decide whether the conflict warrants further action/mitigation to be taken
- Decide what steps to take to avoid or manage the conflict or adverse effect

There may need to be a discussion between the person notifying the potential conflict and the 'relevant person'. The purpose of the discussion is to establish if an actual conflict exists (and whether there is potential for an 'adverse effect') and if so, to reach a decision about how the conflict will be managed.

Good practice would be that if no potential current conflicts are identified, these 'nil returns' are logged and recorded, and that regular review and update is undertaken.

If a member of CMI's independent apprenticeship assessment staff is undertaking end-point assessment and identifies a conflict of interest on the day of the end-point assessment that previously has not been identified through the declaration, the independent assessor is required to contact an Internal Quality Assurer immediately before any assessment takes place. CMI will contact the Training Provider / Employer and discuss an alternative provision for the end-point assessment of the apprentice(s) or put mitigating actions in place to ensure the integrity of the end-point assessment activity.

Management of identified conflicts of interest

Where a conflict of interest or personal interest has been identified, the next step is to analyse whether this could have an 'Adverse Effect'. An 'Adverse Effect' is defined by Ofqual as:

- "An act, omission, event, incident, or circumstance has an Adverse Effect if it –
- (a) gives rise to prejudice to Apprentices or potential Apprentices, or
 - (b) adversely affects –
 - (i) the ability of the end point assessment organisation to undertake the development, delivery or provision of end-point assessment,
 - (ii) public confidence in qualifications."

For the purposes of apprenticeships and end point assessment, public confidence in the end point assessment delivery and award forms a critical part of the definition of an adverse effect.

Where an 'Adverse Effect' could reasonably be expected to occur, all reasonable steps must be taken to mitigate the Effect as far as possible and to correct it.

This may be achieved by:

- Reorganising activities and/or key functions, where reasonable, so that the Adverse Effect is mitigated
- OR**
- Gaining an undertaking from the individual(s) concerned to conduct their responsibilities so that the integrity of CMI end-point assessments is maintained, as well as their own professional integrity

If neither of the above steps are possible, another solution must be found. The solution should be in proportion to the nature of the conflict. In extreme circumstances, activities may need to be monitored or even restricted.

The first step will be to try to eliminate the 'Adverse Effect' e.g. by assigning another member of staff to undertake the end-point assessment activity. By doing so, this reduces the risk of assessments being compromised and ultimately assessments being voided. Where elimination is not possible due to financial or/and resource implications, measures should be put in place which can demonstrate that the conflict is being managed effectively so as not to compromise the outcome of the assessment. The key principles here are transparency and mitigation.

All reasonable steps should be taken to avoid any part of the end-point assessment of an Apprentice (including assessing, interviewing, 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, arrangements should be made for the relevant part of the assessment to be subject to additional scrutiny by another person.

Internal conflicts

CMI requires contractors involved in end-point assessments to declare conflict of interest if they are acting in different roles for CMI for the same Training Provider/Employer. Any such declarations will be carefully monitored to ensure that those assessments are not compromised.

Recording, Monitoring and Mitigating Conflicts of Interest

CMI recording conflicts of interest

The register of Conflicts of Interest is managed, monitored and maintained by the Awarding Body Admin Support Team. A record is kept for all staff involved in End Point Assessment, even if no conflicts or personal interests exist. The record captures the information required to understand, assess and put in place any mitigation measures for each conflict, and the Conflict of Interest declaration document is sent out during the annual re-contracting process using Google Forms, with each stakeholder being required to complete and return this form, which includes their declaration that they have read, understood and provided accurate information.

Internal staff members are asked to complete their returns at the same time, which is March of each year. For individual End Point Assessments administered via AODocs, each independent assessor has to declare that they have no conflict with every single apprentice that they commit to assessing and this is captured in the AODocs EPA management system.

The information provided by key stakeholders is processed in accordance with data protection principles as set out in the Data Protection Act 2018 and GDPR 2018. Data will be processed only for the purpose set out in this policy and not for any other purpose.

Monitoring and reviewing conflicts

CMI Awarding Body Admin Support team, in conjunction with the End Point Assessment Quality Manager (or their nominated representative) are responsible for maintaining a register of interest and will:

- Record in the register all conflicts of interest and personal interest
- Make the register of conflicts available to any stakeholder at any time for reference purposes
- Keep a log of any actions taken to manage a conflict of interest
- Conduct regular audits and spot checks

The register of conflicts of interest will be available for inspection by the relevant body.

Conflict of interest in investigations

Where investigations are conducted by CMI for apprenticeship malpractice, maladministration, breach of confidentiality, appeals or complaints, all reasonable steps will be taken to avoid those under investigation being investigated by anyone with a personal interest in the outcome of the investigation, and – where it is unavoidable – ensure any part of the investigation they do conduct is scrutinised by someone else who does not have such an interest.

Monitoring and Review

CMI will review this policy annually as part of our self-evaluation arrangements and revise it in line with any feedback from stakeholders, regulatory authorities or external agencies, or changes in our practices.