

# CONFIDENTIAL & COMMERCIALY SENSITIVE EVIDENCE DOCUMENTS

## EPA Policy & Guidance For Apprentices, Training Providers & Employers

### INTRODUCTION

This document has been designed to provide information and support for apprentices who are unable to share complete documents and other media files as evidence within their portfolio and/or project report because of issues of confidentiality or commercial sensitivity.

In all organisations, there will be instances where an apprentice will be involved in work where confidentiality of data, information and documents is paramount. Therefore, when the apprentice portfolio and/or project report is being constructed by the apprentice, this can present some challenges. This document sets out how these challenges should be addressed.

### SECTION 1: POLICY

Our policy is based on two core principles:

1. That every apprentice's work is required to undergo independent endpoint assessment, as detailed in the relevant published assessment plan.
2. That no apprentice should be disadvantaged by abiding by their obligations of confidentiality, arising from legislation or from the policies of their employer. Where possible evidence that is designated amber or green should be used. Evidence needs to be sufficient to ensure that all of the learning outcomes within the Standard are met and apprentices should refer to their training provider or employer for guidance

#### 1.1 Definition of confidential evidence

- For the purpose of this guidance, confidential evidence means any information or document that is confidential or commercially sensitive to the extent that it would be inappropriate for an apprentice to share it with CMI for the purposes of endpoint assessment.

#### 1.2 What CMI can accept in the place of confidential evidence

- CMI will accept documents that have been appropriately redacted to remove any confidential or commercially sensitive material or information. Apprentices should consider alternative evidence that isn't confidential where this is available. A document that is completely redacted will not be acceptable or appropriate.
- CMI will accept additional contextual statements or witness testimonies, where an apprentice or their training provider believe that this is necessary as a result of the redaction or withholding of confidential or commercially sensitive material.
- During the live assessment day, the apprentice may be asked questions about the redacted evidence in order to confirm any areas that require further detail to demonstrate the achievement of learning outcomes but this will not include requests to disclose any details that could reveal confidential or commercially sensitive information.

### 1.3 How CMI will protect evidence that is shared with them

- All recordings and evidence are stored within CMI’s secure End Point Assessment (EPA) system up until such time that CMI has been subject to an External Quality Assurance (EQA) audit
- All CMI’s Independent Apprentice Assessors (IAA’s) and staff involved in EPA are required to sign a contract that includes a section that deals with the confidentiality of material provided by the apprentices in the operation of the EPA, and to undertake training to ensure Data Protection Act 2018 and UK GDPR 2018 compliance.
- In exceptional circumstances, CMI will accept a special consideration request to sign/adhere to the apprentice’s organisation’s confidentiality policy/non-disclosure agreement. In general, we will accept such requests only where there is no other way to ensure that apprentices receive fair credit for their work. These requests will need to be provided in writing prior to the apprentice entering the gateway.

## SECTION 2: GUIDANCE

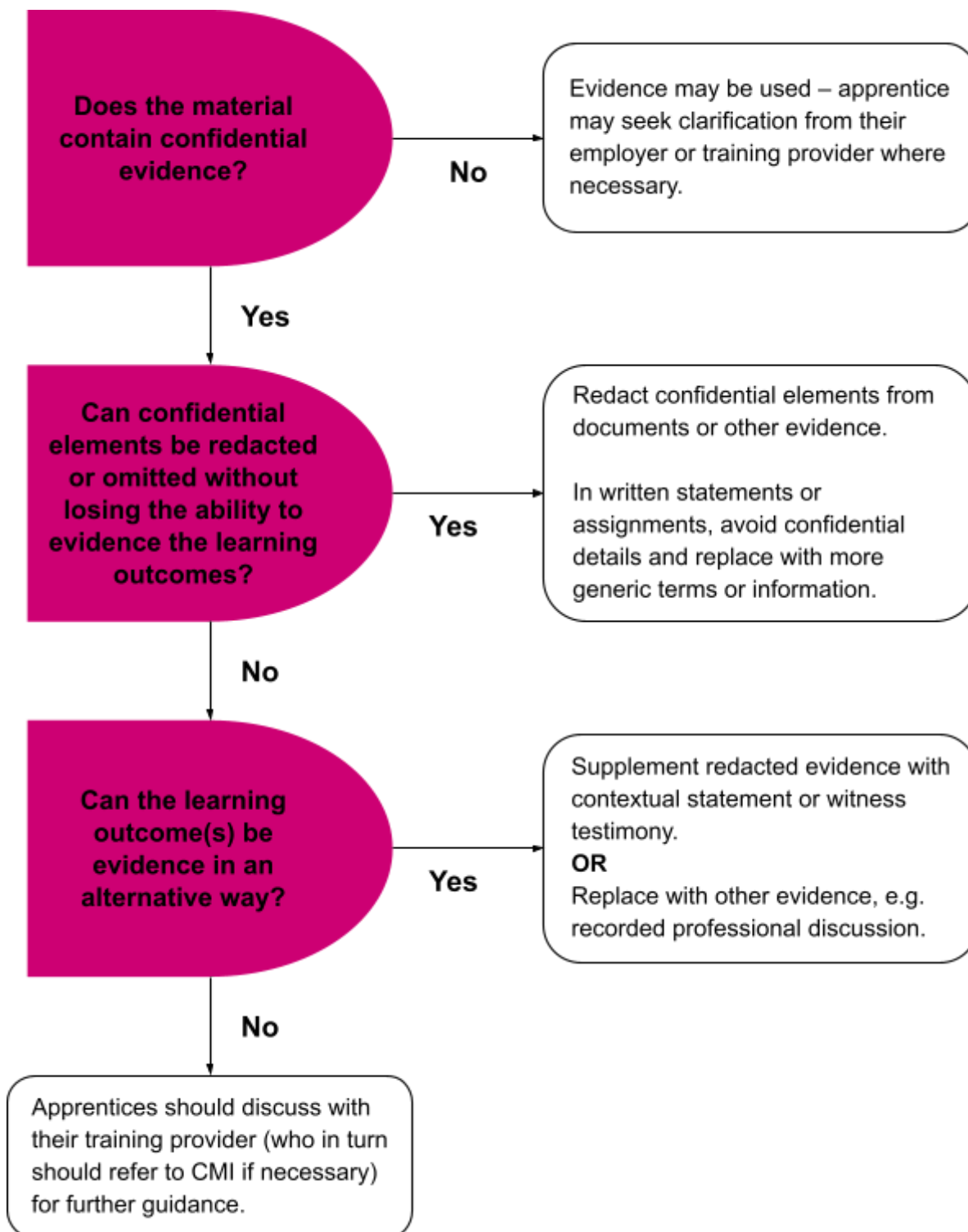
### 2.1 How to identify confidential evidence

- Apprentices must review evidence that they are considering for inclusion within their portfolio or project report (if relevant), and identify whether it contains confidential information that cannot be shared. They should consider this in the context of their responsibilities under data protection legislation, their employer’s policies, and any relevant professional/sector codes of conduct.
- Apprentices, Employers and Training Providers should agree which work-based examples can be discussed as part of the live assessment interview and/or professional discussion topics. Wherever possible evidence that does not contain confidential information should be used that meets the apprenticeship standards so it can be recorded.
- The table below provides general guidance as to types of subjects and materials that are likely to contain confidential information.

Rag Rating	Risk	Examples
Red	Highly likely to contain confidential information	Personal data, information relating to IT / digital security, market-sensitive information, commercially-sensitive information
Amber	Likely to contain some confidential information	Meeting minutes/actions, strategy documents, unpublished/internal communications, information relating to specific business issues or product/process improvements. Appraisals/Performance Development Reviews
Green	Less likely to contain confidential information	Documents/information already in the public domain, contextualisation statements, self-reflections, witness testimonials/colleague feedback, information relating to generic business issues or projects

## 2.2 How to decide what to do with confidential evidence

- If apprentices identify that evidence that they wish to use is confidential or commercially sensitive, they should approach its use as set out in the following flow chart:



## 2.3 How to provide a contextual statement or witness testimony in support of confidential evidence

### A. Contextual statements (completed by the apprentice)

- Can be used to support or replace redacted evidence.
- Should be completed by the apprentice.
- Include:
  - a statement as to which learning outcome(s) the evidence supports
  - the circumstances where the evidence was generated
  - a description of what the apprentice did and what outcome(s) this achieved
  - any additional (non-confidential) information which would strengthen the evidence provided or provide the future context
- Must be accompanied by a confirmation statement from the apprentice's employer (usually their line manager or another relevant manager). If the apprentice works under the direct supervision of a client or at a client's premises, the confirmation statement may be provided by the supervising client.

### B. Witness testimonies (completed by someone other than the apprentice)

- May be provided instead of or as well as a contextual statement, to support evidence from which information has been redacted.
- Should be completed by a line manager, other relevant managers, or by another relevant colleague/client.
- Should contain:
  - a statement as to which learning outcome(s) the evidence supports
  - the circumstances where the evidence was generated
  - a description of what the apprentice did and what outcome(s) this achieved
  - any additional (non-confidential) information which would strengthen the evidence provided or provide the future context

## History

Date	Amendments Made
26/3/2024	Amended Law to Data Protection Act 2018 and UK GDPR 2018 compliance. Page 2 bullet point 2