



# Conflict of Interest Policy



The  
Workforce  
Development  
Trust



## Revisions and Amendment Register

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## 1. Introduction

This policy sets out how SFJ Awards will prevent and address issues that arise from real or perceived conflicts of interest in the development, delivery and award of its qualifications and assessments. It is intended to support our staff in determining when a potential conflict of interest may arise in activities in relation to our role as an Awarding Organisation (AO) and as an End-Point Assessment Organisation (EPAO).

## 2. Scope of Policy

This policy applies to all regulated qualifications and End-Point assessments (EPAs) offered by SFJ Awards, and related products and services.

This policy defines what is meant by conflict of interest and how it will be managed as an AO and EPAO. It applies to:

- Permanent employees
- Fixed term employees
- Contractors and freelancers
- Independent End-Point Assessors
- EPA Internal Quality Assurers
- External Quality Assurers
- All Centre Staff
- Employers or Training Providers

## 3. Definition

### 3.1 Conflict of Interest

The Ofqual General Conditions of Recognition describes a conflict of interest as existing “when an organisation or an individual has competing interests, which might impair its or their ability to make objective, unbiased decisions.”

A conflict of interest exists where:

- 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 or EPA assessments in a way that complies with its Conditions of Recognition,
- a person who is connected to the development, delivery or award of qualifications or EPA assessments by the awarding organisation or EPAO 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 a way that complies with the awarding organisation’s Conditions of Recognition, or
- an informed and reasonable observer would conclude that either of these situations was the case.<sup>1</sup>

Conflicts of interest can arise in a variety of circumstances - for example (*the list is not exhaustive and is intended for guidance only*):

- If a member of staff within an approved centre was to carry out both assessment and the internal quality assurance of that assessment, there is a clear conflict of interest.
- External quality assurance of a centre where the appointed EQA is employed or has

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<sup>1</sup> Ofqual Handbook: General Conditions of Recognition, October 2017, Condition A4.

been employed at any time within the last 3 years.

- Undertaking external quality assurance activity for or on behalf of other awarding organisations at the same centre.
- Where someone works for or carries out work on SFJ Awards' behalf, and has friends or relatives taking our qualification assessments or End-Point assessments.
- Where an Independent Assessor is undertaking the End-Point assessment of apprentices, and have previously trained, managed or assessed the same apprentice(s), during the 'on programme' phase of their apprenticeship.
- Where the Independent Assessor is employed or has been employed at any time within the last 3 years by the employer of the apprentice.

## 4. Roles and Responsibilities

This policy complies with the General Conditions of Recognition, which require awarding organisations to establish, maintain, and at all times comply with an up-to-date written conflict of interest policy, and includes procedures on how awarding organisations intend to comply with the requirements stated by Ofqual. Responsibilities are outlined below:

### Centre Staff:

Understand this policy and the centre's own conflict of interest policy.

Understand the implications of conflicts of interest when delivering, assessing and internally quality assuring SFJ Awards qualifications.

Notify the Head of Centre immediately of any actual or potential conflicts of interest that may arise.

### Heads of Centre:

- Identify, manage and resolve any actual or potential conflicts of interest in delivery, assessment and internal quality assurance that may arise.
- Ensure staff meet the terms of SFJ Awards centre approval requirements outlined in the Approved Centre Criteria and SFJ Awards' Centre Handbook.
- Ensure staff are familiar with this and the centre's own conflict of interest policy.
- Maintain and monitor a conflicts of interest register.

### Employers:

- Employers have a responsibility to identify, manage and resolve any actual or potential conflicts of interest that may arise in the development, delivery or award of an End-Point Assessment (EPA), and must take all reasonable steps to ensure that no conflict of interest which relates to it has any adverse effect.
- Employers must promptly notify SFJ Awards if it has cause to believe that an event has occurred (or is likely to occur) which could have an adverse effect.

### SFJ Awards AO and EPAO Staff (including EQAs and temporary workers):

- Understand this policy and their responsibility to discuss and report any actual or potential conflicts of interest to their manager.
- Managers must report any actual or potential conflicts of interest to the Quality Assurance and Compliance Manager.

### SFJ Awards Quality Managers

- Maintain and monitor the SFJ Awards Awarding Organisation/EPAO conflicts of interest register and EQA conflicts of interest register. EQA conflicts of interest register.
- Manage potential or actual conflicts of interest identified within the conflicts of interest register.

### **SFJ Awards Responsible Officer:**

- Make the conflicts of interest registers available to SFJ Awards' Quality & Standards Committee for monitoring purposes.
- Make the conflicts of interest registers available to the Qualifications Regulators for scrutiny, as requested.

### **SFJ Awards Quality and Standards Committee:**

- Review the conflict of interest register at scheduled quarterly meetings.
- Declare any actual or potential expressions of interest or conflicts of interest.

### **SFJ Awards Board Members:**

- Must declare any actual or potential expressions of interest or conflicts of interest.

## **5. Identifying and Declaring Conflicts of Interest**

Those acting on behalf of SFJ Awards must be free from an interest that could adversely influence their judgment, objectivity or loyalty to the organisation in conducting their activities. Where a conflict of interest is identified, it must be reported.

SFJ Awards undertake Conflict of Interest checks when approving centres, employing staff or associates, engaging with employers and when allocating suitable Independent Assessors to carry out End-Point Assessment.

All SFJ Awards employees have a responsibility to understand this policy, and to discuss with their line manager if they feel any activity might create a potential conflict of interest.

Conflicts of interest are recorded in the conflict of interest register by the SFJ Awards' Quality Assurance and Compliance Manager. The conflict of interest register records the nature of the conflict, the potential adverse effect, the mitigating actions to be taken and the timescales for these actions, together with any updates.

A separate register is maintained by the EPA Quality Manager in the SFJ Awards EPAO, for any conflicts of interest identified in relation to the development and delivery of End-Point assessments.

The registers are reviewed by the Managing Director and Responsible Officer, and monitored by the SFJ Awards Quality & Standards Committee.

A consequence of a non-declared Conflict of Interest can result in an *adverse effect*, as defined by the Regulators, and is taken very seriously. Please refer to Section 6.4 for more details.

## **6. Managing Conflicts of Interest**

### **6.1 Governance**

The requirement to declare an interest is a standard agenda item for all meetings of the Board and its Committee(s). SFJ Awards will use the information contained in the Conflict of Interest register to assess the suitability of those working or acting on behalf of the organisation. Where there are changes in organisational policy, procedures or practices or where there are changes in charity, company or regulatory requirements, SFJ Awards will reassess the suitability of those working or acting on its behalf.

## 6.2 External Quality Assurance

SFJ Awards will re-allocate centres where conflicts have been identified and will not allocate an EQA to any centre where there may be a conflict of interest.

Where an actual conflict of interest is identified by an EQA relating to an organisation they are already connected to, SFJ Awards will re-allocate the centre(s) concerned to another suitable member of the Associate EQA team.

## 6.3 Centres

SFJ Awards must ensure that all assessments are carried out with integrity. It is a condition of centre approval that an approved centre must have a process to identify, monitor and manage any conflicts of interest in assessment outcomes.

The centre must take all reasonable steps to avoid any part of the assessment of a learner being undertaken by any person who has a personal interest in the result of the assessment. This includes internal marking, assessment and quality assurance activities.

Depending upon the size of the centre, some roles may be undertaken by the same person, for example Head of Centre and Centre Coordinator. However, the assessor role and the internal quality assurance role must be carried out separately. The assessor cannot quality assure their own assessments as this presents a conflict of interest.

Individuals should not be involved in the assessment or the quality assurance of assessment decisions in which they have a personal interest or, where this happens, they must ensure that the assessment process is subject to scrutiny by those without personal interest.

Centres will need to have procedures in place for avoiding conflicts of interest and where a conflict of interest cannot be avoided, have procedures in place for managing that conflict of interest. In most cases simple measures will be enough to manage a conflict of interest to ensure that no adverse effect arises. It may be that an activity can be managed differently so that the conflict of interest is avoided, e.g., a different member of the assessor team can undertake the assessment.

## 6.4 End-Point Assessment

As an EPAO we work contractually to provide an EPA service to our customers. All of the EPAs completed are conducted by associate Independent Assessors. Independent Assessors must be independent of, and separate from, the training provided by the employer and provider. Neither can Assessors have managed or assessed the apprentice during the 'on programme' phase of their apprenticeship.

Independent assessors cannot internally quality assure their own assessment work as this would present a conflict of interest so as such this role is carried out by a sector specific Internal Quality Assurer. Where a resit component is required due to a fail, to avoid conflict or bias a new assessor, and where feasible, a new IQA will be allocated.

EPAO customers will have in place their own conflict of interest policies and how they manage this internally. As an EPAO we don't monitor this however during some EPA's where a facilitator is required as part of the assessment plan, we as SFJ awards monitor and advise the customers on this and keep a database of this information.

## 6.5 AO and EPAO processes

SFJ Awards will ensure that all AO and EPAO processes are designed to reduce any

conflicts of interest, for example by ensuring impartiality in Appeals processes or Malpractice investigations.

## 6.6 Adverse Effects

For the purpose of this policy, an adverse effect is described as:

*“An act, omission, event, incident or circumstance if it –*

*a.) gives rise to prejudice to Learners/apprentices or potential*

*b.) Learners/apprentices, or adversely affects –*

- i. the ability of the awarding organisation or EPAO to undertake the development, delivery or award of qualifications or end point assessments (EPAs) in accordance with regulatory criteria*
- ii. the standards of qualifications or EPAs which the awarding organisation or EPAO makes available or proposes to make available or provide, or*
- iii. public confidence in qualifications or apprenticeships.”*

SFJ Awards, its associates/consultants and approved centres involved in the development, delivery or award of a qualification or end-point assessment, must take all reasonable steps to ensure that no conflict of interest which relates to it has any adverse effect.

Where such a conflict of interest has had an adverse effect, SFJ Awards and/or the approved centre or individual must take all reasonable steps to mitigate the adverse effect as far as possible and correct it.

SFJ Awards will promptly notify the Regulators and other relevant authorities, as appropriate (e.g., IfATE and ESFA) when it has cause to believe that an event has occurred (or is likely to occur) which could have an adverse effect.

## 7. Regulatory criteria and conditions

Regulatory Body	Regulatory guidance document	Regulatory Condition or Criterion
Ofqual	General Conditions of Recognition	A4
CCEA Regulation	General Conditions of Recognition	A4
Qualifications Wales	Qualification Wales Standard Conditions of recognition	A4
Education and Skills Funding Agency	Conditions for being on the register of end-point assessment organisations	Section 6



## 9. Review of the Policy

This policy will be reviewed by SFJ Awards on a regular basis as part of SFJ Awards' self-evaluation arrangements and revised as necessary in response to lessons learnt, customer feedback, changes in legislation and guidance from the Qualifications Regulators.

If you have any queries about the content of the policy or you wish to give feedback, then please contact SFJ Awards Tel: 01142 841970 or email [info@sfjawards.com](mailto:info@sfjawards.com)

## 10. Location of the Policy

You can download copies of the policy from Odyssey, ACE360 or the SFJ Awards Policy page on the website: [www.sfjawards.com/policies](http://www.sfjawards.com/policies)

## 11. Copyright

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