

## Conflict of Interest Policy

Issue 2

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## Introduction

The CIPD is registered to deliver end point assessments (EPA) on the Education and Skills Funding Agency's register of End Point Assessment Organisations (EPAO).

As a registered End Point Assessment Organisation, the CIPD is subject to external quality assurance by Ofqual, who provide external quality assurance for the Institute for Apprenticeships and Technical Education.

- Conflicts of interest are taken seriously by the CIPD - failure to do so could:
- compromise the integrity, independence and validity of the end point assessments delivered by the CIPD
- cause apprentices to be assessed inappropriately, leading to incorrect decisions as to the extent of apprentice success against the standards
- undermine credibility and professionalism
- damage relationships with employers and training providers
- result in suspension or removal from the register for EPAOs
- affect employer and learner confidence that apprenticeships are rigorous, high-quality and challenging
- breach commercial confidentiality
- give rise to claims of unfairness or even litigation
- cause reputational damage to the CIPD

This policy sets out the approach the CIPD takes with a conflict of interest with individual assessors and internal quality assurers (IQAs) with whom CIPD contracts to support the delivery of EPA.

## What is a conflict of interest?

In relation to the assessment of apprentices, a conflict of interest is where the nature of actions or relationships might have an influential effect on an assessment judgement in a way that unreasonably biases that judgement.

A conflict of interest is where, for example:

- An individual involved in EPA also has links with and/or is employed in the same organisation as the apprentice or an organisation undertaking the on-programme delivery.
- An individual involved in EPA has a prior link with the apprentice, their employer or an organisation involved in the on-programme delivery for the standard they are assessing against. For example, they may have friends or relatives involved in delivery, or knows the apprentice well.
- An individual involved in EPA may be working for an organisation that is in direct competition with the organisation involved in on-programme delivery.
- At both organisational and individual level, the official role of the individual/organisation undertaking the EPA has any other interests that may compromise their assessment decisions.

Individuals involved in EPA are required to notify the CIPD if they identify any activity that could be perceived as a conflict of interest in order for this to be investigated and mitigated where possible. All parties involved with the process for the CIPD EPA must be able to demonstrate their full independence.

## Who is affected?

Anyone who is in any way connected to the CIPD EPA process is affected by this Conflict of Interest Policy.

Those involved in advising, assessing, quality assuring or managing the CIPD EPA for approved apprenticeships must be able to ensure independence from apprentices, employers and training providers. This applies particularly to assessors, internal verifiers and CIPD administrative staff.

## Criteria used by the CIPD in determining extent of conflict of interest

The CIPD bases conflict of interest decisions on the following indicative criteria:

- demonstrable independence:
  - factual
  - conduct
- roles and responsibilities:
  - positions held
  - nature of contract
  - type of involvement
  - degree of involvement
  - nature of conflict (direct/indirect)
- commercial advantage:
  - potential
  - actual
- confidentiality and discretion.

## Process for declaring and checking conflict of interests

It's essential that all those involved in the CIPD EPA process declare any potential for a conflict of interest at the point they become involved in EPA activities.

### Factual

1. On contractual agreement, or appointment to assess an individual apprentice's occupational competence as part of the CIPD EPA process:
  - The CIPD requires that all registered assessors and IQAs declare full details of any prior involvement with a registered training provider or employer, or one or more apprentices, in order that a decision can be made about the potential for a conflict of interests and therefore any appropriate action or restrictions needed, including placing operational restrictions on activities.
  - The CIPD also expects that the training provider or employer where the assessor or IQA already has an association, will have been informed in a similar way so that they can also make any appropriate decisions from their perspective.
2. Subsequent to approval or appointment in addition to no.1 above:
  - If a new assessor or IQA role is offered to anyone already working for the Training provider or employer, the CIPD expects that the interested parties will be informed by the person involved in order that appropriate decisions can be made.

## Conduct

If anyone involved in the EPA uses conduct that appears to indicate a conflict of interests, the CIPD reserves the right to take action as described below, following counselling of the individual concerned.

## Results of a conflict of interests being identified

When an actual or potential conflict of interest is identified the following is expected:

- Explicit records covering the conflict of interest, and how independence has been or will be assured.
- Investigation surrounding the conflict of interests.

The following actions may be judged appropriate by the CIPD:

- Requests or requirements for a change of role or activities to minimise the potential for conflict of interests.
- Possible non-renewal of contract for services or approval to operate.

## How the CIPD EPA team applies these guidelines

In principle, these guidelines will be applied in the following manner:

1. Members of CIPD quality assurance staff and those individuals undertaking an assessor or IQA role under a contract for service should formally log any actual or potential conflict of interests with the EPA Team. (*See: Conflict of Interest 'tab' on SmartEPA or Declaration form - conflicts of interest and confidentiality.*)
2. Logs as described above should show clearly the process that the CIPD is implementing in order to guarantee independence so that the CIPD can demonstrate the monitoring that is being undertaken to ensure the conflict does not:
  - lead to the integrity of the apprenticeship or EPA process being compromised
  - give any unfair advantage or disadvantage to an individual or group of apprentices' grading
  - give any unfair commercial advantage
  - jeopardise confidentiality
  - contravene any requirements of the quality assurance body supervising CIPD EPA activities.
3. The CIPD will make these records available to the Institute for Apprenticeship and Technical Education as required so that the process and its implementation can be checked and to demonstrate that conflict of interests have been recognised as such and are being monitored in an appropriate way to minimise their effects.
4. The CIPD will undertake a 'conflict of interests' check before offering any contract for service, and thereafter periodically, and will include the results of such checks in any subsequent contractual decision, together with clear statements in the contract of the duties to be performed and how the conflict must be monitored and managed.
5. The CIPD quality assurance process will assess the nature and extent of the risk, and reserves the right not to contract an individual, or to require restrictions on their duties, if the conflict of interests appears in their view to carry an unacceptably high risk, or where monitoring of the conflict is inappropriate or unfeasible.