

Conflict of Interest Policy

Introduction and Purpose

This policy outlines our intention to manage any actual and potential conflicts of interest in accordance with External Quality Assurance (EQA) /regulatory requirements.

The purpose of this policy is to protect ICMEs' integrity as a business and the integrity of our qualifications and assessments. At ICME we want to deal with conflicts of interest before or after they arise to prevent any adverse effects on the design, delivery and award of our End-point Assessment provision.

This policy and associated procedure supports us in ensuring that working relationships with colleagues, stakeholders, partners and customers do not conflict with our requirement to engage in business relationships in a legal, transparent, ethical and responsible manner. It is designed to support stakeholders by providing guidance on handling possible conflicts of interests that may happen as a result of our role as an End-point Assessment Organisation (EPAO)

ICME recognises that conflicts of interest may arise that could lead to individuals making decisions, or appearing to make decisions, that are based on personal interest and not the interest of the organisation or what is ethically correct. Such conflicts of interest may also constitute a form of corruption. ICME will make every effort to avoid any potential or actual conflicts of interest and/or collusion in the delivery of our End-point Assessment services.

Conflicts of interest can:

- Inhibit free discussion
- Result in decisions or actions that are not in the interests of the centre, candidates, EPAO or the employer
- Put at risk ICME's reputation, that it may have acted improperly

A conflict of interest can appear in the form of:

- Direct financial gain
- Indirect financial gain e.g. a service or contract is awarded to a relative
- Non-financial gain when the beneficiary of a service, award or donation is an employee, candidate, contractor or trustee

All permanent and/or contracted staff within ICME will receive an induction to this policy and will always be required to abide by it.

This policy;

- Illustrates and highlights where potential conflicts of interest may arise
- Identified the principles that ICME will adopt in the management of conflicts of interest
- Sets out the actions that should be taken by individuals who encounter conflicts of interest
- Sets out how ICME will manage and monitor identified conflicts of interest as an EPAO

Any actual or perceived conflict of interest will undermine the outcome of an assessment and potentially the credibility of staff or associates. Therefore, where a potential conflict of interest emerges ICME will take appropriate action to ensure that the integrity and validity of End-point Assessments are not compromised.

Who this policy applies to

This policy applies to individuals involved with any aspects of the creation, marketing, sales, distribution, marking or any other activity connected with our qualifications, tests and assessments, and supporting resources and services. This includes:

- Directors/Trustees
- Employees
- Contractors
- Assessment Associates
- Verifiers and examiners
- Freelance staff
- Independent End-point assessors
- Internal Quality Assurers
- Quality Managers

Review arrangements

At ICME we shall review the policy annually as part of our self-evaluation arrangements to ensure that it is fit for purpose and that it continues to reflect the types of conflicts that may arise and how these will be managed.

However, a review will be commissioned earlier should any issues arise in relation to an actual or potential conflict of interest and/or in response to employer, apprentice or EQA body/regulator feedback or from a declaration of a conflict.

In addition, Finance & General Purpose Committee of the Institute have a clear responsibility to monitor its activities in order to ensure the effectiveness of our arrangements to manage conflicts of interest in accordance with this policy.

Any review of policies are signed off by Finance and General Purposes committee (F&GP) before being issued.

Document Version History

Issue Date	Author	Summary of Changes	Date of next Review
04/11/2020	A Worrallo	Creation of Policy	November 2021

Definition of a conflict of interest

ICME defines a conflict of interest as

- An interest or activity undertaken by any member of ICME that has the potential to lead that person to act contrary to ICMEs' best interests in the design, development, delivery and award of qualifications in accordance with its regulatory requirements.

- A person directly connected to the design, development, delivery or award of ICME qualifications who has interests in any other activity which has the potential to lead that person to act contrary to his or her interests in the design, development, delivery or award of ICME qualifications in accordance with its regulatory arrangements.

For the purposes of this policy ICME have adopted the definition used by the regulators in relation to conflict of interests. A conflict of interest exists in relation to ICME where:

- Its interests in any activity undertaken by it, on its behalf, or by a member of its staff have the potential to lead it to act contrary to its interests in the development and delivery of assessments in accordance with external quality assurance/regulatory requirements
- A person who is connected to the development or delivery of assessments at ICME 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 or delivery in accordance with external quality assurance/regulatory requirements
- An informed and reasonable observer would conclude that either of these situations was the case (perceive)
- Where the training delivery function and the awarding function rest within one organisation
- When an individual has a position of authority in one organisation that conflicts with his or her interests in another organisation
- Where someone works for or carries out work on our behalf, who has friends or relatives taking our assessments in line with the assessment plans
- When an individual has interests that conflict with his or her professional position
- Where someone works for or carries out work on our behalf but may have personal interests, paid or unpaid- in another business which either uses our products and services, or produces similar products.
- Where an individual/organisation is undertaking the end-point assessment of apprentices for an organisation, within which they have previously trained, managed or assessed the same apprentice(s), during the 'on-programme' phase of their apprenticeship.
- Where an individual is related in any capacity to an apprentice, employer or provider that can lead to them acting contrary to ICMEs' best interests
- Where an individual receives incentives such as gifts that are not declared from an apprentice, provider or employer that can lead to them acting contrary to ICMEs' best interests

The range of possible conflicts and the processes in place to prevent these will be reviewed regularly at standardisation meetings through a standardised agenda item.

Definition of an Adverse effect

For the purpose of the policy an Adverse Effect is described as;

“An act, omission, event, incident, or circumstance has an Adverse Effect if it –

1. gives rise to prejudice to Learners or potential Learners, or
2. adversely affects –

(i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,

- (ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
- (iii) public confidence in qualifications.

(Ofqual General Conditions of Recognition, October 2020)

For ICME the following are other areas which may lead to a potential conflict of interest:

Potential Conflict of Interest	Potential conflict of interest Reasonable steps to ensure that no conflict of interest has an adverse effect and/or that such effects are mitigated as far as possible	Responsibility for monitoring this process
An organisation (trainer/deliverer) is involved in both the EPA and the on-programme delivery of a standard for example; invigilation or group delivery	Managed through a robust employee agreement and recruitment process and monitored through the ICME Assess quality assurance process.	EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)
An independent end point assessor and/or invigilator is involved in both the delivery and assessment of the apprenticeship standard, which could unfavourably affect their judgement or objectivity in undertaking robust and consistent EPA requirements set out in the assessment plan	Declared via the Conflict of Interest Declaration form and recorded with their line manager, managed and monitored through the ICME Assess quality assurance process. Identified via recruitment process	EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)
An individual involved in EPA may be working for an organisation that is in direct competition with the organisation involved in on-programme delivery	Declared via the Conflict of Interest Declaration form and recorded with their line manager, managed and monitored through the ICME Assess quality assurance process Identified via recruitment process	EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)
An individual working with ICME working on both design, delivery and Quality Assurance of the assessment, there would be a clear conflict of interest	Managed through a robust employee agreement, recruitment process and monitored through management of workloads by EPA Quality Manager to mitigate this from happening	EPA Quality Manager

<p>External Quality Assurance of centres where the EQA is employed, or has been employed at any time within the last 3 years</p>	<p>Declared via the Conflict of Interest Declaration form and recorded with their line manager, managed and monitored through the management process</p>	<p>EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)</p>
<p>An individual working with ICME on design, development, delivery or award and has financial investment including shares in an organisation related to the delivery of the End-point Assessment</p>	<p>Declared via the Conflict of Interest Declaration form and recorded with their line manager, managed and monitored through the ICME Assess quality assurance process or management process depending upon the position the individual holds with ICME</p>	<p>EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)</p>
<p>A complaint or appeal is made against an Independent End-point Assessor or Internal Quality Assurer</p>	<p>This is managed by the EPA Quality Manager, the individual the complaint or appeal is about is not involved in the review, investigation or panel. Should the complaint be about the EPA Quality Manager then the ICME Finance & General Purposes Committee will take the lead with the investigation, review or panel.</p>	<p>EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)</p>
<p>An industry expert involved in development, design or review of delivery materials working with an employer who will put apprentices through ICME EPA</p>	<p>The individual to form part of a group developing, designing and reviewing individual elements of the delivery allocated by the EPA Quality Manager NDA to be signed before any work takes place Sign off of design, development and review of materials by Quality team and EPA Quality Manager before allocated as final assessment materials</p>	<p>EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)</p>
<p>An individual with a personal interest in the outcome of an investigation into a complaint, appeal, potential malpractice/maladministration or alleged breach of confidentiality.</p>	<p>Investigation completed Independently with allocated staff by EPA Quality Manager Individual not involved in the investigation or panel of any instance</p>	<p>EPA Quality Manager ICME Finance & General Purpose Committee (Trustees)</p>

*The range of potential conflicts of interest in this table are not exhaustive.

Responsibility

This policy applied to any person who carried out any role or activity, for or on behalf of ICME, this includes;

- All ICME Staff (including those on a free-lance basis)
- Trustees/Directors
- External Consultants and contractors
- Third Party Providers

Below are the responsibilities of each person involved with ICME End-point Assessment;

EPA Staff;

- Are familiar with the Conflict of Interest Policy and follow this policy
- Sign Service Level Agreement/Contract taking note of the NDA element of the agreement
- Are familiar with the implications of conflicts of Interest when designing, developing, delivering, assessing and internally quality assuring ICME qualifications.
- Notify the EPA Quality Manager immediately of any actual or potential conflicts of interest that may arise for themselves or others
- Complete the Conflict of Interest Declaration form at least annually to review potential or actual conflict of interests and submit to the EPA Quality Manager

Internal Quality Assurer;

- Ensure they are aware of the potential and actual conflicts of interest that are declared by the ICME Staff and Trustees
- Are familiar with the Conflict of Interest Policy and follow this policy
- Sign Service Level Agreement/Contract taking note of the NDA element of the agreement
- Notify the EPA Quality Manager immediately of any actual or potential conflicts of interest that may arise for themselves or others
- Complete the Conflict of Interest Declaration form at least annually to declare any potential or actual conflict of interests and submit to the EPA Quality Manager
- Identify through Quality Assurance Activities any potential conflicts of interest and raise to the EPA Quality Manager

EPA Quality Manager;

- Identify, mitigate, manage and resolve any actual or potential conflicts of interest in design, development, delivery, assessment and Internal Quality Assurance that may arise
- Ensure all staff meet the terms of ICME external quality assurance requirements

- Ensure all staff are familiar with the Conflict of Interest Policy, log and declaration form, including the requirement of disclosing any activity that has the potential to represent a conflict of interest
- Maintain, mitigate and monitor the Conflict of Interest log including allocating risk grading
- To identify and resolve potential or actual Conflicts of Interest within the ICME Quality Assurance team.
- Make the Conflicts of Interest log is available to F&GP Committee for monitoring purposes
- Make the Conflicts of Interest log available to the Qualifications regulators for scrutiny, as requested
- Provide the ICME F&GP Committee with the Conflicts of Interest Logs for quarterly meeting reviews
- Complete the Conflict of Interest Declaration form at least annually to declare any potential or actual conflict of interests and submit to F&GP Committee

ICME Finance and General Purposes Committee;

- Review the Conflict of Interest logs at the quarterly meetings
- Notify the EPA Quality Manager immediately of any actual or potential conflicts of interest that may arise for themselves or others
- Complete the Conflict of Interest Declaration form at least annually to declare any potential or actual conflict of interests and submit to the EPA Quality Manager

If colleagues have a query relating to conflicts of interest which is not included in this policy, they must refer the matter to their immediate line manager in the first instance.

If a conflict of interest arises, or it is anticipated that one may arise, colleagues must inform their line manager in protection of the business and individuals. If there is any doubt whether an activity represents a conflict of interest, the matter should be raised in this way, in order that an objective assessment may be made. Concerns may be raised in confidence.

The ultimate responsibility for the Conflict of Interest policy, dissemination of the policy and management of potential and actual conflicts of interest rests with the EPA Quality Manager who reports to ICME Finance & General Purpose Committee (Trustees).

The EPA Quality Manager will follow the following process;

- Identify the actual or potential risk
- Investigate, rate and mitigate the risk and allocate a risk grading
- Manage the risk moving forward
- Monitor and review the risk with F&GP Committee through Conflict of Interest log

Identifying and Declaring Conflicts of Interest

Those staff working with or on behalf of ICME must be free from an interest that could adversely influence their judgement, objectivity or integrity to the organisation in conducting their activities. Where a conflict of interest is identified, it must be reported.

All staff receive a job description that outlines conflict of interest, complete a Service Level Agreement and upon induction with the company will complete a Conflict of Interest Declaration form. The F&GP Committee members are required to complete the declaration before being involved in any EPA meetings. All staff and F&GP members are required to complete the declaration form annually unless an actual or potential conflict arises earlier. This is required to be transferred onto the log should there be an actual or potential conflict of interest. All Declaration forms are stored within the ICME server with access given to those requiring access.

ICME will take every precaution to clarify conflicts of interest with Apprentices having to declare no conflict of interest with their allocated IEPA through the platform at the point of Gateway before any assessments or uploads take place.

Any person working with ICME to support the design, development, delivery or award of the qualifications is required to complete a Non-Disclosure agreement, this is either within the Service level agreement or a separate document depending on the work being completed.

A consequence of a non-declared conflict of interest can be an adverse effect, as defined by the Qualifications Regulators, and as such must be taken very seriously. Please refer to managing conflicts section.

If there were ever an instance of a conflict that arises that is not foreseen, then it will be investigated and reviewed immediately and decide the risk grading and appropriate actions to mitigate that risk.

Conflicts of interest are recorded in the conflict of interest log by the EPA Quality Manager. The conflict of interest log records the nature of the conflict, the risk of the conflict (red/amber/green) the potential adverse effect, the mitigating actions to be taken and the timescales for these actions. All conflict of interest management strategies will be decided on an individual basis following an independent investigation to review the impact the conflict could pose.

The log is reviewed by the EPA Quality Manager and monitored by ICME Finance and General Purposes Committee. Should the EPA Quality Manager be unavailable in the first instance then the additional responsible officer will step in to complete this process – ICME Office Manager.

Risk Grading

Our risk grading will be allocated as below;

- Red – The risk is high or very high and is likely to occur with a potential high impact
- Amber – The risk is medium and likely to occur with a potential medium impact
- Green – The risk is low and unlikely to occur with a potential low impact

The risk will be clearly identified on the Conflict of Interest Log detailing;

- the nature of the actual or potential conflict
- the risk of the conflict
- the potential adverse effect
- the mitigating actions to be taken
- the timescales for these actions

The EPA Quality Manager will be responsible following all steps in relation to reviewing the conflict of interest independently and accurately, for allocating and reviewing the risk grading. This will be reviewed by the EPA Quality Manager in conjunction with the F&GP Committee who will review this quarterly.

There may be circumstances where the risk is reviewed monthly or bi-annually this will be recorded on the Conflict of Interest Log.

Should for any reason the EPA Quality Manager not be able to complete the allocation and review of the Conflict of Interest then the F&GP Committee will be responsible for this.

The conflict of Interest Log is stored within the ICME server, which is password protected and only individuals required to access this server are given that access. Access has to be approved by F&GP.

Management of Conflicts of Interest

Governance;

The requirement to review and declare an interest is a standard agenda item for all meetings with the Finance and General Purposes Committee (F&GP). ICME will use the information contained in the conflict of interest log 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, ICME will reassess the suitability of those working or acting on its behalf.

End-point Assessment;

ICME must ensure that all assessments are carried out with integrity. It is a condition of EPAO approval that an approved centre must have a process to identify, monitor and manage any conflicts of interest in design, development, delivery and award of EPA outcomes. The centre must take all reasonable steps to avoid any part of the assessment of a learner/apprentice being undertaken by any person who has a personal interest in the result of the assessment. This includes internal assessing, assessment and quality assurance activities.

Depending upon the size of the centre, some roles may be undertaken by the same person, for example roles such as Head of Centre and Centre Coordinator carried out by the EPA Quality Manager. However, the Independent End-point assessor (IEPA) role and the Internal Quality Assurer role must be carried out separately. The IEPA 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 at a centre 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 IEPA team can undertake the assessment or grade moderation is completed on all apprentices from a certain employer.

Adverse Effects;

ICME, its associates and consultants involved in the design, development, delivery or award of a qualification, 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, ICME will take all reasonable steps to mitigate the adverse effect as far as possible and correct it. ICME will promptly notify the Qualifications Regulators when it has cause to believe that an event has occurred (or is likely to occur) which could have an adverse effect.

Ultimate responsibility for the management of conflicts of interest with ICME are with the EPA Quality Manager. If for any reason the EPA Quality Manager is not in the business, or is part of a conflict of interest, complaint or appeal then the Finance and General Purposes Committee will be responsible for the Conflict of Interest Policy and Procedure.

Regulatory Requirement

This policy is written in accordance with the regulatory requirements including:

- Ofqual General Conditions of Recognition October 2020 - Condition: A4
- EPA Qualification Level Conditions and Requirements

Privacy Statement

It is necessary for us to collect and hold personal information about you in order to manage Conflict of Interests correctly. We will hold the information you provide to us securely and use it to help us handle and process any conflict of interests. For more information, please access our Privacy Statement at our website.

What personal data do we collect and who has access to it

We will ask for your name, contact details, organisation's name and dates of employment, if relevant. To ensure ICME manages conflicts of interest correctly, all conflicts of interest will be forwarded to the EPA Quality Manager for recording and action. Your information will be shared internally with limited ICME staff/trustees in relevant departments.

Advice and guidance

Any required guidance or interpretation on potential conflicts of interest should be in the first instance be directed to the ICME EPA Quality Manager or email epainfo@icme.org.uk