

## 1.0 Policy

To ensure that assessments are conducted in an independent manner that meets the Institute of Apprenticeships' and Ofqual's requirements for the strict maintenance of independence of assessments and comply with Advance Assessments' strategic policy aims of excellence in: Quality of Practice, the Learner Experience, Stakeholder Relationships, Innovation and Cost Management, a written conflict of interest procedure will be operated. In particular this policy will ensure adherence to Ofqual's condition of recognition A4:

**The identification, recording and management of conflicts of interest. Where conflict of interest has had, or could potentially have, adverse effects on learners, qualifications or assessments, the mitigation and correction of those adverse effects or potential adverse effects.**

In condition J1: Ofqual defines the term 'Conflict of Interest' accordingly:

"A Conflict of Interest exists in relation to an awarding organisation where –

- (a) its interests in any activity undertaken by it, or 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 in a way that complies with its Conditions of Recognition,
- (b) a person who is connected to the development, delivery or award of qualifications by the awarding organisation 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
- (c) an informed and reasonable observer would conclude that either of these situations was the case."

The Advance Assessment's policy for conflict of interest has six objectives:

- To ensure there is no organisational level Conflict of Interest or potential Conflict of Interest caused by links between Advance Assessments its officers or contractors and any organisation when providing qualifications, directly or through a third-party intermediary (for example a provider Centre).
- To ensure that no individual is involved in the design and development or quality assurance of any qualification, where they have, or by direct connection could have, a personal interest in the outcome, other than the advancement of the registered company Advance Assessments Limited.
- To ensure there is no organisational level Conflict of Interest or potential Conflict of Interest caused by links between Advance Assessments or its officers and any organisation when conducting assessment of a learner.
- To ensure that no individual is involved in the assessment, or quality assurance of any assessment decision, where they have, or by direct connection could have, a personal interest in the outcome. Where this is not possible, or is discovered after the assessment decision has taken place, to have any such assessment or quality assurance to be separately reviewed by an independent person.
- To ensure that appeals or complaints submitted to Advance Assessments are reviewed only by individuals that have no personal interest in the outcome.

- To ensure that investigations into suspected or alleged malpractice or maladministration (including suspected or alleged breaches of confidentiality), relating to a conflict of interest are reviewed only by individuals that have no personal interest in the outcome.

This procedure describes how Advance Assessments will practically manage any Conflicts of Interest or potential Conflicts of Interest.

## 2.0 Procedure

2.1 The Assessment Manager is responsible for implementation of this procedure.

**2.2 Identification of Conflict of Interest and Register of Interests.** All staff, contractors, directors and Independent Governors are required to complete, and keep up to date, a Register of Interests that will include details of the organisations they work for and any company that they have a directorship with. Where any member of staff, contactor, director or Independent Governor works elsewhere in a teaching, assessing or curriculum development capacity, the qualifications they are currently involved with should be named. The register is held on the Advance Assessments online assessment platform in the Continuing Professional Development Area. The Assessment Manager will review entries on the register of interests before making decisions about the appointment of staff, directors or contractors to act in the cases of; appeals, complaints, investigations of malpractice or maladministration or development of assessments and qualification materials.

**2.3 New appointments.** Prior to the appointment of a new member of staff, contractor, director or Independent Governor the Assessment Manager will request that a current director of Advance Assessments reviews Companies House records to determine whether the applicant holds any other directorships and, if so, review the stated business activities and other information to identify if any conflicts of interest, or potential conflicts of interest exist. Where necessary, the Advance Assessments director will put in place a conflict-of-interest mitigation plan on the Advance Assessments online assessment system, in the individual's private Continuing Professional Development area. If the director deems the conflict-of-interest risk of making an appointment to be too great, the appointment will not be made.

**2.4 Training of new starts.** It is an AA policy that all new Assessors and Internal Verifiers must complete induction and compulsory CPD training before working on assessments (Policy and Procedure AA\_OP\_01 applies). It is an AA requirement that induction training of new Assessors and Internal Verifiers is conducted by an individual independent of the whole assessment process (including being independent of the Assessor and the Qualification/Item/Question Writer). Such an individual will normally be an AA Independent Reviewer.

**2.5 Confidentiality requirements.** All contractors, staff and company directors are required to maintain confidentiality regarding assessment materials, for example questions in a multiple-choice examination. Such materials are for the use of Advance Assessments in its assessments only. See AA\_OP\_21 – Confidentiality of Assessment Materials. All contractors and staff are required to sign a contract that details confidentiality requirements before any material is released to them.

**2.6 Recording of Conflicts of Interest prior to End Point Assessment.** When an employer or training provider requests End Point Assessment for a cohort of one or more apprentices against a published assessment plan Form AA\_OF\_06 will be completed.

This form shows names and details of all apprentices included in the cohort, the name of the employer and the name of the training provider.

- 2.6.1 Before entering into a contract with a Training Provider, the Training Provider will be sent a blank form AA\_OF\_06 and asked to complete it with apprentice names and employer details for the cohort. The Training Provider should upload the completed form to the specified secure area on the Advance Assessments online assessment system.
- 2.6.2 Form AA\_OF\_06 lists likely conflicts of interest, the list is not exhaustive and company directors, assessors and internal verifiers are required to declare any conflict of interest or potential conflict of interest.
- 2.6.3 When a form AA\_OF\_06 is returned to Advance Assessments, the Assessment Manager will review it and propose an assessor and a verifier for the cohort. The declaration made by proposed assessors/verifiers on the Advance Assessments' register of interests will be checked by the Assessment Manager for any obvious conflicts of interests and, if necessary, the choices of assessor/verifier will be amended.
- 2.6.4 The Assessment Manager or his/her appointed deputy will pass Form AA\_OF\_06 showing the apprentices' details to a director of Advance Assessments. The director will review the details and, where appropriate, sign the form.
- 2.6.5 When signed by a director, Form AA\_OF\_06 will be passed to the assessor appointed to assess the cohort. The assessor will review the details and, where appropriate, sign the form.
- 2.6.6 When signed by the assessor(s), Form AA\_OF\_06 will be passed to the internal verifier appointed to verify the cohort. The verifier will review the details and, where appropriate, sign the form.
- 2.6.7 Directors, assessors and internal verifiers should sign (electronic signature is acceptable) Form AA\_OF\_06 to indicate that they have no conflict of interest. Where there is a conflict of interest, or potential conflict of interest, the situation should be discussed with the Assessment Manager for resolution. Notes detailing the discussion and resolution of any conflict/potential conflict should be appended to Form AA\_OF\_06.
- 2.6.8 Completed forms must be returned to the Assessment Manager, or his/her appointed deputy.
- 2.6.9 Completed forms will be stored for ten years from the last date of final decision (including the final resolution of any appeals or complaints) for the cohort apprentices. This is the responsibility of the Assessment Manager.

**2.7 Management of Conflicts of Interest in End Point Assessments.** Any conflict of interest, or potential conflict of interest identified will be reviewed by the Assessment Manager who will determine what actions to take to avoid any conflict of interest, in

accordance with the Ofqual's current policy on conflict of interest. A record of decisions and any mitigating actions will be appended to the Form AA\_OF\_06 that relates to the apprentice(s) in question and stored with that form.

- 2.7.1 Where the Assessment Manager finds it is not possible for Advance Assessments to avoid a conflict of interest with an apprentice, or cohort of apprentices, the assessment may be declined, at the discretion of the Assessment Manager.

**2.8 Conflict of Interest when dealing with appeals** Where an appeal has been lodged against Advance Assessments, no person that was involved in any way with the assessment or qualification that the appeal is related to may be part of the investigation. Where the appeal goes to an Independent Review, the Independent Reviewer must have completed an Advance Assessments register of interests prior to reviewing the appeal. See policy and procedure: AA\_OP\_03 Appeals.

**2.9 Conflict of Interest when dealing with complaints** Where a complaint has been lodged against Advance Assessments, no person that was involved in any way with the assessment or qualification that the complaint is related to may be part of the investigation. The Responsible Person, as defined in the Advance Assessments Complaints Policy and Procedure must have completed an Advance Assessments register of interests prior to reviewing the complaint. See policy and procedure: AA\_OP\_23 Complaints.

**2.10 Conflicts of Interest when dealing with issues of Malpractice or Maladministration.** Where there is a potential issue of malpractice or maladministration, where a director of Advance Assessments has a personal interest, the investigation will be the responsibility of an Independent Governor. The Investigating Officer, as defined in the Advance Assessments Malpractice and Maladministration Policy and Procedure must have completed an Advance Assessments register of interests prior to starting any investigation. See policy and procedure AA\_OP\_19 Malpractice and Maladministration.

**2.11 Development of Qualifications and Assessment Materials.** Qualifications, specifications, assessment materials and internal review materials may only be developed by contractors or staff that have signed and returned a contract to Advance Assessments. The contract binds the contractor or staff member to a confidentiality agreement and specifies that such materials are the property of Advance Assessments. Prior to issuing a schedule of work, bound to a contract, Advance Assessments will check the contractor/staff member's CPD record to ensure that there is no Conflict of Interest, for example the contractor/staff member delivering or assessing a qualification which has a conflict with the development work taking place. Where there is a conflict, the contractor will be precluded from development work.

**2.12 Assessments taking place in Centres other than Advance Assessments.** In most cases, assessments will take place using the Advance Assessments online system. Where assessment plans or reasonable adjustments require assessments to take place under the supervision of Centre Assessors, the assessment may only be conducted by assessors that meet the Advance Assessments specification for that assessment. Where Centres have been granted direct claim status (DCS) they will be required to meet the applicable Advance Assessments Centre Assessment Standard and be subject to scrutiny under the Advance Assessments Centre Assessment Standards Scrutiny (CASS) policy and procedure.

**2.13 Ongoing review of Conflicts of Interest.** All Conflict-of-Interest forms and reports will be reviewed in the Qualification and Assessment Review, Improvement and Standardisation and Improvement meeting that relates to the qualification or assessment in question (see policy and procedure AA\_OP\_07) in to identify improvements. In the unlikely event that a conflict of interest is discovered after an End Point Assessment has taken place, this must be reported to that meeting, which will determine actions and mitigations to put in place. The records of all Conflict-of-Interest forms, all Appeals or Complaints forms and all instances of Malpractice or Maladministration will be reported to the Annual General Practice Review Meeting (see policy and procedure AA\_OP\_20) where improvements and mitigations will be planned. At the meeting a report will be produced for review by the General Practice Review Meeting and the Independent Governance and Supervisory Committee. The committee will consider and propose further mitigating actions as appropriate. Where a specific matter is considered by the Assessment Manager, a director, or an Independent Governor to require immediate investigation, an Extraordinary General Meeting will be held to consider, and plan mitigating actions (see policy and procedure AA\_OP\_20).

### **3.0 Documents associated with this procedure**

- 3.1 Form AA\_OF\_06 – Conflict of interest declaration form
- 3.2 AA\_OP\_01 Induction and Training Policy and Procedure
- 3.3 AA\_OP\_03 Appeals Policy and Procedure
- 3.4 AA\_OP\_23 Complaints Policy and Procedure
- 3.5 AA\_OP\_07 – Qualification and Assessment Review, Improvement and Standardisation Policy and Procedure
- 3.6 AA\_OP\_18 – Advance Assessments Governance Policy and Procedure
- 3.7 AA\_OP\_19 – Malpractice and Maladministration Policy and Procedure
- 3.8 AA\_OP\_20 – General Practice Review Meetings Policy and Procedure
- 3.9 AA\_OP\_21 – Confidentiality Policy and Procedure
- 3.10 Advance Assessments contractor/staff contract

#### 4.0 Document Revision History

4.1 Following improvement identifications and review with colleagues, the Assessment Manager is responsible for revisions of this policy/procedure and completion of the table below, before issue of the amended policy/procedure.

Date (most recent first)	Revision(s)	Reason for revision(s)	New Version Number	Approved by (Initial)
17/10/2023	Objectives of the policy raised to six.  The term qualifications added to item 2.2.  Item 2.5 details regarding confidentiality added.  Item 2.6 divided into sub-sections.  Item 2.6.9 – the word ‘be’ added.  Item 2.11 added.  Item 2.12 added.  Item 3.10 added	To clearly add conflict of interests for the development of qualifications and other materials   To clarify and reinforce the need for contractor to be contractually bound to the company.  To delineate requirements specific to End Point Assessment conflict of interest requirements.  Correction of typo.  Addition of detail regarding the development of qualifications, and assessment materials.  Addition of procedure for assessments taking place in Centres other than Advance Assessments.  AA Contract of employment added.		
24/11/2022	Item 2.4 added to describe independence of the individual conducting induction training	Ofqual requirement for independence of individual conducting induction training	2022/01	G.M.

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31/12/2021	<p>Item 2.2 retitled to include register of interests. Parties named as required to engage in this expanded.</p> <p>Item 2.3 parties named adjusted to align with item 2.2.</p> <p>Item 2.5 retitled to; 'Recording Conflicts of Interest prior to End Point Assessment'.</p> <p>Item 2.15 retitled to; 'Managing Conflicts of Interest prior to End Point Assessment'.</p> <p>Item 2.17 retitled to; 'Conflict of Interest when dealing with appeals' and changes made – term 'Independent Reviewer' added</p> <p>Item 2.17 retitled to; 'Conflict of Interest when dealing with complaints' and changes made – term 'Responsible Officer' added</p> <p>Item 2.20 retitled to; 'Managing Conflicts of Interest discovered after End Point Assessment' and changes made to identify the General Practice Review Meeting and board of directors.</p> <p>Item 2.21 removed</p>	<p>Clarity and clear inclusion of all those working with Advance Assessments</p> <p>Clarity</p> <p>Clarity</p> <p>Clarity</p> <p>Clarity and alignment with amended internal policy for Appeals (AA_OP_03)</p> <p>Clarity and alignment with new internal policy for complaints (AA_OP_23)</p> <p>Clarity and alignment with new internal policies</p> <p>Duplication with new item 2.20</p> <p>To reflect change in title of AA_OP_03 and new policy and Procedure AA_OP_23</p>	2021/04	G.M.
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	Documents associated (item 3.0) added to and modified.			
04/08/2021	Item 2.3 added (New appointments), following items renumbered.	Stronger compliance with Ofqual requirements by extending checks on new appointments beyond self-declaration.	2021/03	G.M.
22/07/2021	Addition of item 2.7, review of register of interests by Assessment Manage – renumbering of subsequent items.  Addition of item 2.19  Addition of item 2.20	Stronger compliance with Ofqual requirements by the introduction of register of interests feature and scrutiny of this before appointing assessors/verifiers.  Clarity of actions required where an assessment must take place in alternative premises.  Clarity of actions required where a conflict of interest has been identified.	2021/02	G.M.
26/05/2021	Policy added to – details of Ofqual conditions and definition of Conflict of Interest added. Section 2.2 Confidentiality requirements, including a register of interest added. Section 2.3 to section 2.12 Conflict of Interest recording - revised with extra sections to provide clarity. Section 2.5 added – details of completion of Conflict of Interest for by Training Provider added. Section 2.15 Conflict of Interest when dealing with appeals and complaints added. Section 2.16 added - Conflicts of Interest when dealing with issues of Malpractice or Maladministration. Section 2.17 added – Mitigation of Conflicts of Interest	Greater clarity of Ofqual requirement  Greater clarity of Ofqual requirement  Greater clarity of Ofqual requirement  Clarity of process  Greater clarity of Ofqual requirement  Greater clarity of Ofqual requirement  Greater clarity of Ofqual requirement	2021/01	G.M.



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05/07/2019	1) More detail (including the insertion of new sections in sections 2.3 through to 2.7) of conflict of interest management added, in particular with reference to organisational conflict of interest.	1) Compliance with the Conditions for being on the register of end-point assessment organisations published 28-06-2019	2019/01	G.M.
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