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Xact Assessment: Conflict of Interest Policy

1. Introduction

It is a requirement of qualification regulator Ofqual that Awarding Organisation's identify, manage and mitigate conflicts of interest to protect the development, delivery and award of qualifications.

This policy provides guidance to members of staff and stakeholders on how Xact Assessment as an Awarding Organisation complies with Ofqual requirement to identify, manage and mitigate actual, perceived or potential conflicts of interest.

This includes actual, perceived or potential conflicts of interest in relation to:

- a) Xact Assessment: The Awarding Organisation, *and*
- b) Staff, *and*
- c) Stakeholders

Appropriate action will be taken via Discipline Policy (employees) or a review of contractual arrangement (contractor, sole trader or stakeholder) if it is found that a conflict:

- i) has not been declared, *or*
- ii) has not been appropriately reviewed, *or*
- iii) results in corrupt, criminal or otherwise undesired conduct

These cases could result in a termination of employment or contractual arrangements.

Please note that it is recognised that a conflict of interest is sometimes unavoidable and therefore staff or stakeholders will not be adversely treated for declaring a conflict of interest.

See Conflict of Interest Procedure on how this policy is implemented.

2. Definitions

2.1 Conflict of Interest definitions

Conflict of interest: A situation in which an individual or organisation has competing interests or loyalties that may adversely affect a judgement, or influence the objectivity of decisions, if not properly managed.

Actual conflict of interest: A situation where it has been found that an individual or organisation has competing interests or loyalties that adversely affects Xact's ability to; meet its obligations set out by the Regulator, maintain its professional standards and protect the integrity of its business in the development, delivery and award of qualifications.

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Perceived conflict of interest: A situation in which it could be reasonably thought by another party, that an individual's or organisation's conflict of interest may adversely affect a judgement or the objectivity of decision, whether or not this is the actual fact.

Potential conflict of interest: A situation that could develop into an actual or perceived conflict of interest.

Personal interest: Where an individual has an interest that may or actually bring personal benefit, directly or indirectly, to them or another individual that they may want to benefit. This may be private, professional or business and can include financial and non-financial benefit.

Relationship: A person or organisation connected with an individual on a personal or professional basis. Including but not limited to: relative, friend, companion, work colleague, acquaintance, or has an educational, contractual, professional, financial or business connection.

Financial interest: Anything of monetary value including, but not limited to; pay, commission, fees, property and intellectual property rights.

Non-financial interest: Any non-financial benefit or advantage, including, but not limited to enhancement of an individual's employment, education, apprenticeship, career, profession, reputation.

Privileged: Private, restricted, confidential information, resources, facilities etc.

Responsible Officer: Ofqual point of contact concerning compliance matters e.g. apprenticeship awarding, standards, conditions of recognition, public confidence, accessibility etc.

2.2 Other definitions

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Staff: Employee, work colleague, contractor, sole trader e.g. manager, tutor, assessor, mentor, internal quality assurer, end point assessor etc.

Stakeholders: Apprentice, apprentice employer, training provider, Xact Consultancy & Training Limited, customer, supplier, business support services and those with whom we associate.

Xact: Xact Training Limited, trading as Xact Assessment.

3. Policy Aim

- a) Maintain professional standards and protect integrity of the development, delivery and award of qualifications, Xact, apprentices', apprentice employer and other stakeholders
- b) Minimise the risk of any conflicts of interest arising and the potential impact it may have on operational effectiveness, or regulatory compliance
- c) Ensure that all conflicts of interest are disclosed immediately and responded to promptly and objectively to mitigate any adverse effects
- d) Ensure that all conflicts of interest that are disclosed are reviewed fairly and objectively

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- e) Ensure that all reasonable steps are taken to mitigate any adverse effects and, as far as possible, take action to correct the adverse effect
- f) Standardise the recording, monitoring and management of conflicts of interest.

4. Scope

This policy applies to all PMG and staff members and stakeholders e.g. those involved in all aspects of end point assessment including; developing, devising, administering, mentoring, assessing, internal quality assurance, awarding, managing, recruiting, procuring, tendering, support services any other areas where a conflict of interest may occur.

5. Responsibilities

- a) **Directors** have overall responsibility for ensuring that this policy is implemented
- b) **PMG** are responsible for:
 - i) reviewing governance, conflicts of interest and performance of Xact assessment
 - ii) ensuring compliance with this policy and that any actual, potential or perceived conflicts of interest are managed appropriately
- c) **Directors and Managers** have responsibility for ensuring that any development or change to a policy, procedure or process does not result in any corporate conflict of interest
- d) **End Point Assessment Manager** responsibilities include:
 - i) Role of Ofqual Responsible Officer
 - ii) Operational responsibility for mitigating and managing any conflicts of interest that may adversely affect the development, delivery and award of apprenticeships
 - iii) Notifying Ofqual where a conflict of interest results in an adverse effect e.g. failure in assessment processes, malpractice, maladministration etc.
- e) **Managers and Supervisors** are responsible for mitigating and managing any conflicts of interest in their areas of responsibility. They must also ensure that staff are aware of the Conflict of Interest Policy and Procedure during induction and that an annual declaration is completed.
- f) **All staff** must:
 - i) familiarise themselves with Xact's Conflict of Interest Policy and Procedure
 - ii) declare any conflicts of interest on appointment, and thereafter
 - iii) make an annual conflict of interest declaration
- g) **Stakeholders** who enter into contracts with Xact must:
 - i) familiarise themselves with Xact's Conflict of Interest Policy and Procedure
 - ii) declare any conflicts of interest on appointment, *and*

- iii) thereafter, declare any changes to circumstances that may result in, or could be perceived to have, a conflict

6. Identifying Conflicts of Interest

Conflicts of interest can arise in a variety of circumstances and it is not possible to detail every potential conflict of interest within this policy. Potential examples are detailed in the Appendix at the end of this policy.

All conflicts of interest should be identified, including those deemed to be potential, perceived or alleged.

6.1 Conflicts: Staff

Any staff member must be free from conflicts of interest that could adversely influence their judgement, objectivity or loyalty to Xact and its activities/assignments.

Therefore, staff are required to disclose to their Line Manager (employees) or Supervising Manager (contractor or sole trader) any activity that may be, or actually is, deemed to be a conflict of interest for assessment.

Staff members are also required to immediately inform their Line Manager (employees) or Supervising Manager (contractor or sole trader) of any changes to circumstances that may result in, or could be perceived to have, a conflict. An annual declaration is also required.

Where a potential or actual conflict of interest is found, Xact will take the necessary steps to mitigate the conflict. This may involve reallocation of work.

6.2 Conflicts: Organisational

Xact will take reasonable steps to ensure that policies, procedures and processes are designed to mitigate conflicts of interest. We also carefully design roles and responsibilities to mitigate conflict.

Our contractual arrangements with staff members, who have access to confidential assessment information, clearly define our expectations and the obligations of those individuals in relation to conflict of interest.

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In our working relationships with stakeholders, we ensure that we are transparent in our decision making and declare any conflicts, actual or perceived, in our interactions with stakeholders.

This approach has to be balanced with the need to maintain financial stability, meeting Xact's Strategy, Vision, Mission and Value statement to ensure compliance with Regulatory requirements.

Where organisational conflicts occur, Managers ensure that they are recorded, including details of decisions about the actions taken to resolve or mitigate such conflicts, following Conflict of Interest Procedure.

Whilst it remains responsibility of individuals to identify and disclose conflicts of interest, there may be occasions where conflicts of interest are identified as a result of other business activities e.g.

- a) Complaints, Discipline and Grievance activities
- b) Appeal, Reasonable Adjustment and Special Conditions Policy applications
- c) Information provided from staff members, stakeholders, whistleblowers or other sources

It is the responsibility of managers to take the appropriate action to mitigate or eliminate the conflict recording the conflict and its outcome.

6.3 Guidance and Support

If there are any doubts about whether an activity or personal interest represents a conflict of interest, then guidance should be sought from a manager or Operations Director.

7. Record Keeping

The conflict of interest register is kept in accordance with Xact's Data Management Policy.

The register records the nature of the conflict, the mitigating actions to be taken, and timescales for these actions.

The conflict of interest reviewer is responsible for ensuring that any findings that may affect the integrity of a future assessment, qualification or apprenticeship are mitigated as soon as possible and take the following action:

- a) identify all apprentices who may have been affected
- b) correct, or mitigate as far as possible, the effect of the conflict, *and*
- c) take action to ensure that this issue does not occur again.

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8. Monitoring Conflicts of Interest

The effectiveness of this policy and procedure; including declaration of interest log, is monitored and reviewed by the PMG (Performance Management Group).

9. Related Policies

Policies related to Conflict of Interest Policy include:

- a) Discipline Policy
- b) Equality, Diversity and Inclusion Policy
- c) Complaints Policy
- d) Customer Care Policy
- e) Data Management Policy
- f) Recruitment Policy
- g) Anti-Bribery and Anti-Collusion Policy
- h) Gifts and Hospitality Policy
- i) Employee References Policy
- j) Submission Policy
- k) Assessment Policy
- l) Appeals Policy
- m) Malpractice Policy
- n) Mentoring Policy
- o) Invigilation Policy
- p) Whistleblowing Policy
- q) Reasonable Adjustment and Special Conditions Policy
- r) EPA Fair Access Policy

Note: This list is not exhaustive

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Appendix A: Potential, actual, perceived or alleged conflict of interest examples

Conflicts of interest can arise in a variety of circumstances. They can relate to the individual, or the organisation.

An individual conflict of interest could be as a result of a personal or professional relationship.

An organisational conflict could be where a policy or process requires a manager to make a judgement but a risk that it may not be objective exists owing to their previous involvement.

It is important to remember that situations may arise in which the appearance of a conflict is present, even though no conflict actually exists. It is important that these situations are considered and recorded, due to risk of perception among others that a conflict exists.

It is not possible to detail every conflict of interest situation within this appendix but some potential examples are detailed in the following appendix.

Appendix A1: Conflicts of Interest¹: Individual

Example conflicts: Member of staff:

- a) has a personal relationship with apprentice being assessed or moderated or an apprentices' employer
- b) has had or has a professional relationship with an apprentices' training provision
- c) involved with recruitment, selection, hiring, promotion of an individual with whom they have a relationship
- d) has a position of authority in another organisation (paid or unpaid), or has secondary employment, which conflicts with interests of their role with Xact.
- e) makes, or is alleged to have made, a public comment, media statement, endorsement or releases information to third parties, which is perceived to be a conflict of interest.
- f) uses Xact's resources or privileged information for personal financial or non-financial benefit, or to benefit a person with whom they have a relationship
- g) uses their position to influence with an organisation or individual with whom they have a relationship or vested interest:
 - financial or operational contract, *or*
 - business arrangement, *or*
 - favourable terms
- h) accepts gifts or hospitality outside in contravention of the Gifts and Hospitality Policy
- i) obtains a financial or non-financial benefit for themselves or an individual with whom they have a relationship in return for providing an advantage or potential advantage
- j) conducts activities outside Xact, which adversely affects their ability to perform their duties

Note¹: Each conflict of interest is recorded in conflict of interest log and appropriately investigated

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Appendix A2: Conflicts of Interest¹: Organisational

Example conflict

- a) Member of staff investigating a complaint or appeal in which they were involved
- b) Business support providers² to both Xact Assessment and Xact Consultancy & Training Limited passing on information about an apprentice's performance to an end point assessor e.g. information which has potential for adverse judgement to be made by end point assessor
- c) Apprenticeship training provider passing on information about an apprentice's performance to an end point assessor e.g. information has potential for adverse judgement to be made by end point assessor.
- d) Member of staff has a relationship with an organisation in which Xact is responding to a tender specification for that organisation involving end point assessment

Note¹: Each conflict of interest is recorded in conflict of interest log and appropriately investigated

Note²: These include Xact Consultancy and Training Limited who provide administration, finance, marketing, IT Services, Health and Safety and HR Support, MTechnical who manage IT computers, network, software and associated products, Martin Core Consulting Limited who manage and develop access database and associated software