

Conflict of Interest Policy and Declaration Form

Purpose

This document guides the principles and procedures for managing conflicts of interest within end point assessment and awards undertaken by all staff and Board Members within Elevate EPA Ltd (Elevate).

It is the policy of Elevate that staff and Board Members must be free from conflicts of interest that could adversely affect their judgement or objectivity in conducting assessment and any associated activities including governance roles. Similarly, it must be free of possible adverse effects of perceived conflicts of interest which may call into question the probity, robustness or fairness of its provision.

Elevate recognises that staff may take part in legitimate financial, business, charitable and other activities outside their work with Elevate but any potential conflict of interest raised by those activities must be acknowledged, disclosed, and in relevant cases properly managed. It has similar expectations of the Board of Directors to engage openly and in an informed way about conflict of interest or perceived conflict of interest.

It is the responsibility of each individual to recognise situations in which they have a conflict of interest or might reasonably be seen by others to have a conflict, to disclose this conflict and to take such further steps as may be appropriate and set out in more detail under the procedure below.

Oversight Responsibilities

The Managing Director, Melanie Feek, serves as the Responsible Officer for the implementation and enforcement of this policy.

Definitions

A conflict of interest may generally be defined as a conflict between the official responsibilities of a staff or Board member and any other interests the individual may have and as such could compromise or appear to compromise their decisions. This definition includes related party and pecuniary interests.

Ofqual General Conditions of Recognition guidance states that a conflict of interest exists in relation to an Awarding Organisation where:

- The organisation's 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 in accordance with its Conditions of Recognition
- 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 their interests in that development, delivery or award in accordance with the awarding organisation's conditions of recognition

- An informed and reasonable observer would conclude that either of the above situations was the case.

There can be situations in which the perception of a conflict of interest is present even when no conflict exists. It is therefore important for Elevate and all individuals involved in the work of Elevate to carefully consider how a potential conflict of interest might be perceived by others, and to declare any possible perceived conflict.

Examples of conflict of interest and perceived conflict of interest:

It is not possible to provide a definitive list of examples of conflicts of interest, but the following are examples of situations that could lead to actual or perceived conflicts of interest:

- Working with a business outside Elevate that is in direct competition
- Participating in the appointment, promotion, supervision or evaluation of a person with whom the person, has close or familial ties
- Having a close or familial relationship with an Elevate registered learner, or learner's family whilst being involved in decisions about the outcome of their qualification
- Using non-public Elevate information or the Learner data for personal gain or advantage
- Being involved in Elevate processes, while being involved with other organisations offering qualifications or programmes similar to those offered by Elevate.

The existence of such interests as those outlined above does not necessarily imply conflict but may be likely to give an appearance of conflict and as such should be declared.

It is the duty of all staff and the Board of Directors to disclose any actual, potential or perceived conflict of interest and the process for doing this is documented below:

- All staff are issued with a conflict of interest form to complete on commencement with the organisation and it is a requirement of their contract that this is completed and updated on an annual basis and that they disclose immediately any possible conflicts which may arise. A similar process is undertaken with the Board of Directors.
- Any relevant information is then transferred to a register of interests which is maintained by the IQA Lead and reported to the Responsible Officer for awards.
- If the individual concerned has any changes to their declared circumstances, they must inform Elevate immediately in writing, so that the conflict of interest can be evaluated, and the register updated.
- The form is to be completed even when the individual has no conflict of interest to declare i.e. a 'no conflict of interest' is declared.
- The information submitted is then evaluated to identify if any further action is required and a written record of the outcome of the evaluation is kept.
- The Chair of Elevates Governing Board maintains the record of declarations of interest for the Board of Directors. Declarations of interest are updated at each meeting of the Board and any necessary actions are directed by the Board.

Actions

Most situations require no further action than the review of the Conflict of Interest Declaration Form by the IQA Lead. In some instances, however, the information declared on the form will require some follow-up action, in order for the conflict of interest to be managed appropriately. The approach agreed between the IQA, and the person concerned, will be documented and held in the register of conflict of interest.

Action to be taken in all instances:

- The IQA Lead maintains a register of any reports of conflict of interest.
- The register and any proposed actions are reported by the IQA Lead to the Responsible Officer.
- The IQA Lead reports issues on the register to Elevates Governing Board. The Responsible Officer advises on processes of dealing with conflict of interest, proposes actions and refers cases to the Board of Directors.

Examples of specific actions that may be directed in different circumstances:

- Individuals being required to be removed from discussions or decisions of related matters.
- Referring related matters for decision to others with no vested interest e.g. IQA and/or use of independent EQA.
- Directing a staff member not to be involved in a particular programme or with a particular employer/provider, or to be involved in a particular role.
- Suspension of an employee or a Board Member pending investigation.
- Referring the matter to Ofqual.

Any unprofessional practice or misconduct of a staff member is dealt with under the Malpractice and Maladministration Policy and the Staff Disciplinary Policy. The processes for investigation which include suspension and can lead to other sanctions are set out in the Staff Disciplinary Policy.

Sanctions can be imposed where any conflict of interest has been identified which is judged to be a risk to the security of assessment. These range from informal and formal warnings up to dismissal for serious cases of misconduct or gross misconduct. Where instances of misconduct are found, Elevate will inform any relevant professional body of which the staff member concerned is a member. The Staff Disciplinary Policy sets out the appeals process.

Elevate has a similar structure for ensuring good governance across the Organisation. These are set out in Elevates Board Code of Conduct.

Monitoring, regulation and continuous improvement

As set out above, all staff are required to disclose any possible conflict of interest or perceptions of conflict of interest (i) on commencing employment, (ii) in an annual statement, and (iii) at the point where the staff member becomes aware of any possible conflict. In addition, senior staff include questioning about possible conflicts of interest in Staff and Board Induction and monitoring and moderation processes.

Both staff and Board members are required to submit a conflict of interest declaration on joining Elevate, and annually thereafter.

In the event of any instance arising from a conflict of interest or perceived conflict of interest which may have an adverse effect on the process and security of assessment, or which may damage confidence in the provision, the Responsible Officer will inform Ofqual as EQA through an Event Notification. The Responsible Officer will submit instances of conflict of interest as part of the annual Statement of Compliance made to Ofqual, including, where relevant, any steps taken to improve practice as an EPAO.

Elevates IQA Lead will ensure that this policy is monitored and reported to the Responsible Officer and to Elevates Governing Board, and that the standards set in this policy by Elevate are maintained to ensure our qualifications and programmes are accessible to all whilst maintaining quality in implementation.

This policy was updated in September 2023 and shall be the subject of an annual review cycle or as necessary.

Identifying Related Parties: Information Sheet

In accordance with Ofqual's General Conditions of Recognition (A4): Condition A4 imposes several obligations on awarding bodies in relation to Conflicts of Interest. Awarding organisations must:

- identify and monitor all Conflicts of Interest which relate to it, as well as any scenario in which it is reasonably foreseeable that any such Conflict of Interest will arise in the future (Condition A4.1)
- establish and maintain an up-to-date record of all Conflicts of Interest which relate to it (Condition A4.2)
- take all reasonable steps to ensure no Conflict of Interest which relates to it has an Adverse Effect (Condition A4.3)
- in any case, where a Conflict of Interest nonetheless results in an Adverse Effect, take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it (Condition A4.4), and
- establish, maintain and comply with a written conflict of interest policy (Condition A4.7)

In addition to Condition A4 and in accordance with our audit obligations under International Standard on Auditing 550, "Related Parties" we are required to obtain a list of related parties as defined by Financial Reporting Standard 102, "The Financial Reporting Standard applicable in the UK and Republic of Ireland" (FRS 102). This information is only for our internal use and will not be disclosed to other parties except to the extent necessary to comply with FRS 102 in the annual accounts.

As a matter of good practice, directors should maintain an up-to-date record of related parties so that transactions with such parties can be properly identified, authorised and disclosed in the annual accounts. By retaining a copy of the attached schedules when they are complete and updating them as necessary you can maintain a record of related parties.

Related party relationships

This information is required irrespective of whether there has been a transaction between the company and the individual or entity concerned during the year.

Individuals

We need details of individuals who are classified as related parties.

A person is a related party if that person:

- has control or joint control over the company;
- has significant influence over the company; or
- is a member of the key management personnel of the company.

Close family members

We need details of close family members of any individuals who are related parties as defined above.

Close members of the family are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity and include:

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner; and
- dependants of that person or that person's spouse or domestic partner.

Dependants could include foster children, elderly and infirm parents, former spouses, and brothers and sisters who rely on the person for financial support. However, it does not include parents or siblings where there is no dependency.

Other business interests

We need details of entities in which individuals or their close family members have an interest. These are termed "business interests" for the purposes of this declaration.

A business interest of a person or their close family member is a related party if the person or their close family member:

- Controls or has joint control over the entity;
- Controls or has joint control over the company and also has significant influence over the entity;
- Controls or has joint control over the company and is also a member of the key management personnel of the entity (or of a parent of the entity).

Relevant business interests could therefore include companies in which individuals or their close family members have a majority shareholding, companies controlled by majority shareholders of the company and companies in which a majority shareholder of your company is a director.

Other entities

We need details of other entities that are classified as related parties.

An entity is a related party of the company if:

- Both entities are members of the same group;
- One is an associate or joint venture of the other or of another member of the same group;
- Both entities are joint ventures of the same third party or one is a joint venture and the other an associate of the same third party;
- The entity is a retirement benefit scheme (e.g. a pension scheme) of the company or of any of the company's other related party entities.

“Members of the same group” includes parent companies, subsidiaries and fellow subsidiaries. An associate is an entity over which the investor exercises significant influence. A joint venture exists where the investing parties have joint control.

Relevant definitions

Control includes majority shareholders or anyone who can appoint a majority of the directors. It exists where a person can direct the financial and operating policies of an entity to obtain benefits.

Joint control exists where there is a contractual agreement which allows collective control by two or more parties.

Significant influence is usually regarded as arising where a person can participate in the financial and operating decisions of an entity. Examples could include someone who holds a significant proportion of the voting rights in the company (typically 20% or more) or who has the power to appoint and remove directors. If in doubt, please provide details of the rights available.

Key management personnel include directors (both executive and non-executive) and may also include other individuals who have responsibility for the management and direction of a significant aspect of the business but who are not formally appointed as directors.

Declaration

Please complete the relevant form and return to info@elavate-epa.co.uk.

REGISTER OF RELATED PARTIES - INDIVIDUALS
Company Name: Elevate
Individual's Name:
Connection to Company: <i>(insert description of relationship or interest)</i>

Other business interests or alternative employment held personally	Name	Description of interest

Close family member	Name	Other relevant details (e.g. age of children)
Spouse/domestic partner		
Children		
Children of domestic partner		
Other dependants		

Business interests of close family	Name of entity in which interest is held	Description of interest (% shares held, position etc.)
Holder of interest		
Spouse/domestic partner		
Children		
Children of domestic partner		
Other dependants (as identified above)		

Signed	
Name	
Date	

REGISTER OF RELATED PARTIES - ENTITIES

Company Name: **Elevate**

Name of entity	Relationship to company

Signed	
Name	
Date	