

Conflict of Interest Policy.

Introduction

The purpose of this policy is to set out the principles and procedures for proactively identifying, monitoring and managing perceived, potential, and actual conflicts of interest across The Rail Academy, its staff, suppliers, and anyone acting on its behalf.

This policy:

- Defines what is meant by conflict of interest.
- Sets out the roles and responsibilities for managing conflict of interest.
- Provides illustrations of potential conflict of interest situations.

Scope

- This policy applies to all staff and anyone engaged to act on the behalf of TRA in their associations, professional relationships and activities. Where employees and anyone engaged to act on the behalf of TRA are also involved in the activities of other businesses, they must declare this to TRA and ensure that any and all conflicts of interest, whether real or potential, are reported, understood by TRA and managed.
- It is the responsibility of every employee or other person associated and involved with the activities of TRA to ensure they never allow a conflict of interest to affect their performance and report any conflicts of interest affecting or potentially affecting the performance of others.

In addition to the regulatory requirements around conflict of interest, TRA also factors in the regulatory requirements of Ofqual around confidentiality, in particular Condition G4. TRA does not provide apprenticeship training for the apprenticeship standards it end-point assesses, but it may utilise contracted assessment designers or assessors to support the service. In such circumstances, TRA will not utilise contractors who have any involvement in the delivery of the apprenticeship standards that TRA end-point assesses. This approach protects confidentiality of what is being designed / delivered and the integrity of the end-point assessment.

Definition

A conflict of interest is a situation in which an individual, or organisation, has competing interests or loyalties, which might impair its or their ability to make objective, unbiased decisions. They may be financial or non-financial and maybe perceived, potential or actual.

Having a conflict of interest does not prohibit TRA from operating, so long as we have in place clear procedures to identify, mitigate, manage, monitor and review so as to prevent any adverse effects arising.

However, when designing and delivering qualifications some types of conflict of interest are prohibited by the regulator Ofqual under their conditions:

- Condition A8.3 prohibits anyone with a personal interest in the outcome of an investigation into potential malpractice from carrying out investigations of suspected or alleged malpractice.
- Condition G4.6 prohibits anyone with a personal interest in the outcome of the investigation into potential breaches of confidentiality from carrying out investigations of suspected or alleged breaches of confidentiality.
- Condition I1.2 prohibits anyone with a personal interest in the decision being appealed from taking decisions on that appeal.

Document Number: TRA-L1-INT-002	Issue No: 2	Issue Date: 16/06/2023	Page: 1 of 4
Function lead / Approver: MD	Document Owner: HC&QA	Next Review Date: 16/06/2026	

Conflict of Interest Policy.

Examples of conflict of interest

The following list is not exhaustive and is provided for illustration.

- When an individual has personal or professional interests that conflict with their role at TRA.
- Where a director, or staff member, has a financial stake in any of its customers, suppliers or third parties.
- Where the training delivery function and the awarding function are not strictly delineated.
- Where an assessor is employed by more than one organisation and that organisation may also be a regulator, supplier or customer of TRA.
- Where an assessor, or assessment designer, is employed by more than one organisation and that organisation may also be a trainer / deliverer of the apprenticeships that TRA end point assesses.
- Where an individual is related to a learner or an apprentice they must assess.
- Trainers and assessors working with a business outside of TRA that is in direct competition with them.

There may be occasions where there is a risk of conflict emerges as a result of changes or updates to regulation, funding and rules. Where this occurs, the resultant review of policies and procedures will be subject to checks for ongoing reliability and validity in relation to the management and operation of the conflict of interest.

Roles and Responsibilities

- The TRA Board retains oversight and is accountable for the management of conflict of interest across the organisation.
- The TRA Management Meeting oversees organisational conflict of interest across the business.
- The TRA EPA Governing Subcommittee oversees conflict of interest management across the end-point assessment service.
- The Operations Director is responsible for ensuring staff and supplier awareness of the policy and for issuing, collating, reviewing and recording of all conflict-of-interest declarations and associated decisions around mitigation, escalating to the TRA EPA Governing Subcommittee where required.
- The Operations Director is responsible for investigating allegations of conflict of interest. Where there is a conflict of interest with the Operations Director investigation, it will be carried out by the Managing Director
- The Head of Compliance and Quality Assurance maintains a company risk register, including identification of key known risks and the controls in place to mitigate them, which includes risks associated with conflicts of interest.
- Apparent or perceived conflict of interest can be as damaging as actual conflict of interest; therefore, all staff and other individuals have a responsibility to be aware of the potential for a conflict of interest, report them and act in line with this policy.

Document Number: TRA-L1-INT-002	Issue No: 2	Issue Date: 16/06/2023	Page: 2 of 4
Function lead / Approver: MD	Document Owner: HC&QA	Next Review Date: 16/06/2026	

Conflict of Interest Policy.

Declaring and Reporting Conflicts of Interest

It is the responsibility of all The Rail Academy, its staff, suppliers, and anyone acting on its behalf, to declare and report any actual, perceived or potential conflicts of interest via 'TRA-L3-INT-002b Conflict of Interest Form', or TRA-L3-INT-002d reporting business risk or incident, in accordance with 'TRA-L2-INT-002 Preventing and Managing Bribery, Corruption, Conflicts of Interest, Malpractice and Maladministration'.

All Board, subcommittee members, senior officers, staff, and those acting on behalf of TRA are required to complete declarations, as a minimum on commencement and then annually thereafter, but updated every time there is a change to their circumstances, role within TRA, or if TRA expands into additional qualifications or business activity areas. Where no potential current conflicts are identified on annual declarations, it is good practice for these 'null returns' to be logged, recorded and reported as part of the review process.

In addition to the annual declarations, the following people will also be required to complete a declaration specific to the activity they undertake:

- Assessors per learner they assess.
- Investigators and panel members for appeals, complaints, malpractice and maladministration.
- Decision makers, with regard to reasonable adjustment and special consideration requests.

It is the responsibility of all staff to proactively identify and report any potential or actual conflicts of interest.

All suppliers and third parties are required to notify TRA of any potential or actual conflicts as part of the services they provide. This is in addition to the due diligence checks carried out by TRA prior to contracting.

Non-disclosure of a potential or actual conflict of interest may result in investigation via our malpractice and maladministration policy and procedure.

Review of Declarations

Declaration forms are reviewed by the appropriate Director. Where a Conflict of Interest is identified necessary controls and/or mitigations will be applied, approved by the appropriate Director, or the Managing Director, and communicated to those individuals, line manager and colleagues to support the mitigation and management of the conflict.

Reports of potential or actual risks associated with conflicts of interest will be investigated in accordance with our investigation procedure TRA-L2-INT-016 Investigation procedure.

All Conflicts of Interest, along with the agreed mitigation(s) and controls, are recorded on the Conflicts of Interest register, which is subject to review by the EPA Governing Subcommittee.

Action

Most situations require no further action once reported, however, it will be recorded as a minimum.

Where a conflict of interest arises, the Operations Director shall investigate the nature of the conflict, assess the risk or threat it poses, identify whether they may be any potential or actual adverse effects and identify steps to avoid or manage. If there is a conflict of interest with the operations director investigating the Managing director or head of compliance and quality assurance will investigate.

Document Number: TRA-L1-INT-002	Issue No: 2	Issue Date: 16/06/2023	Page: 3 of 4
Function lead / Approver: MD	Document Owner: HC&QA	Next Review Date: 16/06/2026	

Conflict of Interest Policy.

As part of regulatory requirements TRA will take all reasonable steps to ensure that a Conflict of Interest does not have an Adverse Effect¹.

Where an identified Conflict of Interest has an Adverse Effect TRA will take all reasonable steps to mitigate the Adverse Effect as far as possible and correct it. Where an Adverse Effect is identified, TRA will notify the regulator Ofqual, and will consider investigation under our Malpractice and Maladministration Policy.

Mitigation steps that may be taken include:

- Make sure the individual relinquishes or divests the interest, which is creating the conflict; or,
- Remove the person from the responsibilities or duties to which the conflict relates; or,
- Put controls in place that ensure the conflict of interest cannot impact the activity undertaken.

TRA will review this Policy and its associated procedures annually and as part of its self-assessment/evaluation arrangements, and revise it when necessary, in response to feedback, findings quality assurance and monitoring work, changes to business activities, and notifications from regulators of funding bodies.

Data Protection and confidentiality

All declarations and information provided for investigations will be processed in accordance with the data protection principles as set out in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Cath Bellamy, Managing Director

The Rail Academy Limited **Date:** June 2023



¹ Ofqual Handbook: General Conditions of Recognition Definition Adverse Effect: An act, omission, event, incident, or circumstance has an Adverse Effect if it –

- (a) gives rise to prejudice to Learners or potential Learners, or
- (b) adversely affects –
 - (i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in accordance 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.

Document Number: TRA-L1-INT-002	Issue No: 2	Issue Date: 16/06/2023	Page: 4 of 4
Function lead / Approver: MD	Document Owner: HC&QA	Next Review Date: 16/06/2026	