



# **Policies**

**Railway Competence Group**

# Conflicts of Interest Policy

## Introduction

Railway Competence Group (RCG) is committed to ensuring objective and unbiased decision-making to protect the integrity of its regulated qualifications and End Point Assessments (EPAs).

The aim of this policy is to ensure our apprentices, and wider stakeholders, have confidence in the integrity of our qualifications and assessments. This will be achieved through our robust management of any potential or actual conflicts of interest.

## Scope of policy

The policy aims to provide a framework to handle conflicts of interest pertaining to all aspects business practices.

This policy applies to Railway Competence Group, its staff, board members, external quality assurers, end point assessors and other individuals who may be contracted to support Railway Competence Group in the development, assessment, and delivery of its End-Point Assessment services.

## Defining a conflict of interest

A conflict of interest is a situation where an individual or organisation has competing interests or allegiances that may influence or bias their decision making. Conflicts can be present i.e. exist, or it may be that a conflict is possible i.e. there is the potential for a conflict of interest to arise.

Conflicts of interest can arise in the following ways:

- Within Railway Competence Group itself, where there may be competing interests within the organisation/its members.
- For individuals, where a conflict of interest may lead them to act contrary to their role or responsibilities in the development, delivery, assessment or awarding of a Railway Competence Group EPA. This conflict may include personal conflicts of interest and/or financial interests. Further conflict may arise, where someone with a personal interest is responsible for an appeal, or malpractice investigation.

## Examples of conflicts of interest

Having a conflict of interest can lead an individual to act contrary to the best interests of RCG whether it is a direct or indirect, personal, or professional conflict. There are various situations in which a conflict of interest may arise, including (this list is not exhaustive):

- When any Independent End-Point Assessor (IEPA), IQA, Assessment Developer, Director, does not disclose any actual or potential conflicts of interest.
- When an individual has a position of authority in Railway Competence Group which conflicts with their interests in another organisation.
- When an individual has a position of authority in one area of Railway Competence Group which conflicts with their interests in another area of Railway Competence Group.
- When an individual has personal interests or relationships that conflict with their professional position at Railway Competence Group.
- Where an individual works for or carries out work on behalf of Railway Competence Group, but who may have personal interests – paid or unpaid – in another business which either uses Railway Competence Group services or provides similar services to Railway Competence Group.

- Where an individual who works for or carries out work on behalf of Railway Competence Group, has friends or relatives taking Railway Competence Group assessments, including examinations.
- Where an individual takes on additional paid work (on either an employed or self-employed basis) or voluntary work outside of Railway Competence Group which conflicts with their work for Railway Competence Group, such as working for a competitor.
- An individual may be working with Railway Competence Group and have links with and/or be employed in the same organisation as the apprentice.
- An individual involved in EPA has a prior link with the apprentice, their employer or an organisation involved in the on-programme delivery for the standard they are assessing. For example, they may have friends or relatives involved in delivery.
- An individual involved within the EPA may be working for an organisation that is in direct competition with the organisation involved in on-programme delivery.

## **Procedures**

Railway Competence Group will review, identify, and monitor existing Conflicts of Interest, as well as any potential Conflicts of Interest which may arise in the future.

Railway Competence Group will take all reasonable steps to ensure no Conflicts of Interest result in adverse effects for the business, or any associated stakeholders within the assessment process. If an adverse effect occurs because of a Conflict of Interest, Railway Competence Group will take all reasonable steps to mitigate this and correct the conflict as soon as possible.

It is the responsibility of the Compliance Manager to receive, review, and put in place appropriate mitigations and monitor real or potential conflicts of interest, reporting these to the Board of Directors. The management team will meet every month to review any potential conflicts of interest and conflict of interest log. Notes and actions will be recorded and shared with the team after each meeting.

If a conflict has caused an adverse effect, then the Responsible Officer will report it to Ofqual immediately.

## **Conflict of Interest log**

Railway Competence Group maintains a Conflict-of-Interest log. This is to ensure that conflicts are recorded and managed appropriately, relevant mitigations are implemented based on a conflict's probability and likely impact.

All conflicts and mitigations will be documented within the conflicts of interest log which will be monitored and managed by the Compliance Manager.

## **Induction Process**

Railway Competence Group reviews CVs and employment histories of all staff before employment/contract. Any real or potential conflicts must be declared by the individual and added to the register. Appendix B to be filled in during induction and reviewed annually.

## **Identifying conflicts of interest**

Individuals are responsible for disclosing any potential or real conflicts of interest.

All personnel involved in the end-point assessment are required to complete Appendix B form. This must be kept current by the individual and reviewed annually. Annual declarations

(Appendix B form) or any change in circumstance (Appendix C form) must be sent to the compliance manager for review. Any issues identified will be discussed with the individual and the management team at the monthly management meetings where it will be identified if any actions are required. All personnel and Board members are obliged to:

- To act in the best interests of Railway Competence Group.
- Declare any personal or business interests which may conflict with their responsibilities.
- To ensure a conflict of interest is recorded and reported to the compliance manager.
- Not misuse professional positions or information acquired in their duties to further private interests or the interests of other associated parties.
- Perform duties fairly and impartially and ensure decisions are not affected by self-interest and/or personal gain.
- Not hide or ignore a conflict of interest. Report any new potential conflicts of interests using Appendix C form.

## **Annual Declaration**

All Railway Competence Group personnel and Directors will be required to complete an annual Conflict of Interest Declaration form (Appendix B form). This must be completed and submitted by the 31<sup>st</sup> of January, every January to be reviewed by the management team. If your situation changes prior to the annual declaration, you must inform the compliance manager and complete Appendix C form.

## **Assessment**

Assessors must confirm that they have no conflict of interest with the apprentice before an assessment can take place. This is documented by filling in the appropriate section on the "Assessor checklist" form. This forms part of the assessment pack and is reviewed by Internal Quality Assurance.

If a conflict arises during the assessment which had not been identified prior to the assessment date. The assessment must not take place and the compliance manager informed. If possible, a different assessor will be sourced on the same day to avoid disruption. If this is not possible the assessment will be rescheduled with a different assessor, with appropriate mitigations in place. The conflict must be declared to the compliance manager, who will review the conflict with the management team.

## **Meetings, including Board Meetings**

A person with a declared conflict of interest attending an event or meeting where the conflict may be relevant, must declare this to the meeting organiser/Chair prior to the meeting taking place. Should a conflict of interest be declared during a meeting, the meeting may be postponed/cancelled to allow appropriate mitigations to be in place prior to the meeting being reconvened.

## **Confidentiality and data protection**

Individuals declared conflicts of interest are confidential and will be treated as such. Information is protected according to Railway Competence Group's Data Protection Policy.

The conflicts register is maintained by Railway Competence Group's Compliance Manager and is regularly reviewed alongside the management team. Any information disclosed within declarations will not be shared, nor used for any purpose other than the avoidance/mitigation of conflicts of interest. You may be contacted following a declaration of a potential/actual

conflict, to clarify any details/potential issues and to advise you of any mitigations to be put in place.

## **Compliance Manager**

All conflicts of interest will be managed by Railway Competence Group's Compliance Manager, including mitigation advice. The Compliance Manager must be made aware of any changes in circumstance for either the individual or Railway Competence Group as an organisation. This is to allow appropriate mitigations to be identified/implemented within the management team. The Compliance Manager will arrange monthly meetings with the management team to discuss and review any ongoing or newly identified conflicts and their mitigation.

## **Management of Conflicts**

Our organization will take appropriate actions to manage and mitigate any actual or potential conflicts of interest, including but not limited to:

- Limiting or prohibiting the individual's involvement in certain activities or decisions.
- Removing the organisation or individual from the situation where an actual or potential conflict of interest exists.
- Requiring the individual to divest or reduce their financial interests in an organisation.
- Implementing measures to ensure that the individual's personal interests do not interfere with the interests of our organization.

## **Compliance**

All employees, contractors, board members, and other representatives of our organization are required to comply with this policy. Any violations of this policy may result in disciplinary action, up to and including termination of employment or contract.

## **Communication**

This policy will be communicated to all employees, contractors, board members, and other representatives of our organization, and will be made available to the public upon request.

By implementing this Conflicts of Interest Policy, our organization is committed to ensuring that the actions and decisions made on behalf of the organization are done so in an unbiased and objective manner, and that any conflicts of interest are identified, disclosed, and managed appropriately.

## **Review**

This policy will be reviewed and updated on a regular basis to ensure that it remains effective and relevant. Last reviewed 27/01/23.



## **Appendix A**

### **Guidance on Conflicts of Interest (including personal interest), Ofqual Handbook**

#### **What is a Conflict of Interest?**

In general terms, a conflict of interest exists when an organisation or an individual has competing interests, which might impair its or their ability to make objective, unbiased decisions.

Conflicts of interest can arise in a variety of contexts. Our Conditions cover conflicts of interest that affect (or could affect) an awarding organisation's ability to develop, deliver and award regulated qualifications in a way that complies with its Conditions of Recognition. We define the term 'Conflict of Interest' in Condition J1 accordingly:

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

- (a) its 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 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.'

## Appendix B

### RCG CONFLICTS OF INTEREST DECLARATION FORM

All staff, board members, committee and group members, quality assurers, end point assessors, and other individuals contracted to support RCG in developing, assessing and delivering its qualifications must complete this form each year, to be submitted to the compliance manager no later than the 31<sup>st</sup> of January.

When an individual has competing interests or allegiances that may influence or bias their decision-making, it is called a conflict of interest. A conflict can be present, meaning it exists, or it may be a potential conflict, meaning it could arise.

When tendering for any work, third-party suppliers will also be asked to disclose any real or potential conflicts of interest.

**Due date for completion on appointment and thereafter annually: 31<sup>st</sup> of January**

Name:

Role:

Email:

Phone number:

**Please declare any real or potential conflicts under each of the following categories:**

<b>Any employment, or previous employment where you continue to have a financial interest</b>	
Details of conflict - include organisation names and role(s) carried out	
No conflict (tick if relevant)	

<b>Any contractual relationships</b>	
Details of conflict - include organisation name(s) and role(s)	
No conflict (tick if relevant)	

<b>Appointments on any Board/committee (voluntary or remunerated)</b>	
Details of conflict - include organisation names and role(s) carried out	
No conflict (tick if relevant)	

<b>Any business, financial interest, or investments with beneficial interest</b>	
Details of conflict - include organisation names	
No conflict (tick if relevant)	

<b>Any association with another Awarding Organisation</b>	
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Details of conflict - include organisation names	
No conflict (tick if relevant)	

<b>Any family members, partners or close friends employed or carrying out roles in organisations that RCG has an interest in, or where family/friends/colleagues are undertaking RCG qualifications/EPA</b>	
Details of conflict - include names and any organisation names	
No conflict (tick if relevant)	

<b>Any gifts or hospitality received, or declined, from an organisation in the previous 12 months</b>	
Details of conflict	
No conflict (tick if relevant)	

<b>Any other conflicts not covered by the above</b>	
Details of conflict	
No conflict (tick if relevant)	

**Signed (electronic signature is accepted):**  
**Dated:**

**Please return this form via email or hard copy to RCG's Compliance Manager**

<b>FOR RCG OFFICE USE</b>	
<b>Receipt date:</b>	
<b>Date reviewed</b>	
<b>Mitigations agreed date:</b>	



## Appendix C: Declaration of Conflict-of-Interest Form

### Conflict of Interest - Disclosure Form

Name	
Position:	

<b>Conflict of Interest or potential conflict of interest</b>
<i>Describe any potential conflict of interest that might impact your ability to perform your allocated role or your organization's role with respect to the Railway Competence Group Conflict of Interest Policy.</i>

<b>Describe the expected roles/duties you are required to perform.</b>

#### Declaration

I declare that the details of my private interests (or those of my organisation) are accurate to the best of my knowledge and acknowledge my responsibilities to avoid any real or apparent conflicts of interest in relation to my employment/contract and to provide Railway Competence Group with any relevant changes in my (or our) personal (or professional) circumstances.

Signature:

Date:

## Action by Compliance Manager

Describe the action proposed to mitigate the real or perceived conflict disclosed, and the reasoning behind agreed actions

The above action has been discussed with the employee and is appropriate to resolve the real or apparent conflict of interest disclosed above.

Signature of Compliance Manager:

Date:

Employee Endorsement:

Date:

When finalised this form is to be forwarded by email to [contact@railwaycompetencegroup.co.uk](mailto:contact@railwaycompetencegroup.co.uk)  
You are advised to retain a copy.

# RCG



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