

Conflicts of interest policy

How we identify and manage conflicts of interest

1. Introduction

Evolution Safety Solutions is a responsible training delivery organization. We have a responsibility to ensure that we identify and mitigate as far as reasonably possible any conflicts of interest that can lead to us incurring an adverse effect. The management of conflicts of interest should not be seen as a standalone process. It is embedded in all that we do and is an integral part of our process of identifying and mitigating the risks which could lead to an adverse effect. We ensure that all of our legally enforceable contractual arrangements with learners, awarding bodies and other third parties include the requirement to declare any conflicts of interest.

2. Document Review

All Evolution Safety Solutions policies are reviewed on a regular basis, usually at least bi-annually. This policy will also be reviewed as required due to feedback from stakeholders or in line with changes in legislation, regulation or industry best practice. A full review will also be undertaken should any issue arise, whether internal or external, that Evolution Safety Solutions considers could impact on the way in which conflicts of interest are managed.

3. Document Audience

This policy is intended for use by Evolution Safety Solutions staff, to prevent, identify and manage incidents and possible incidents of conflicts of interest. It is also for use by the Regulators of our qualifications who may require information about how Evolution Safety Solutions sets out to prevent, identify and manage any such incidents.

4. Scope of Document

This policy is designed to ensure that Evolution Safety Solutions is meeting all relevant regulations, conditions and principles laid down by the Qualifications Regulators within the United Kingdom.

This policy covers the identification and mitigation of conflicts of interest that have, or have the potential to have, a detrimental effect on Evolution Safety Solutions including, but not limited to, our ability to comply with the current, relevant regulations or the integrity, validity or security of our qualifications.

This policy outlines the roles and responsibilities of individuals within the organisation, as well as associated third parties, in relation to identifying and declaring conflicts of interest and mitigating any adverse effect they may have.

This policy applies to all staff including but not limited to:

- Contractors
- unit writers
- standards verifiers
- graphic designers
- printers, distributors
- Committee members
- Employees of suppliers
- Employees of companies associated with shareholders
- Assessors
- Centres

5. Document availability

The Conflicts of Interest Policy is available to all employees whose role may be affected by a conflict of interest, regardless of how small the risk. This is done via shared folders held within a secure portal accessed via icloud.

Where necessary, for instance for a short-term contract, a single copy of this document may be issued to individual contractors and other non-direct employees. One may also be issued to other relevant third parties, such as a Regulator, on request.

This policy is also available to anyone who requests it and will be provided by email in pdf format.

6. Definition of a Conflict of Interest

In general terms, a conflict of interest is any situation where personal interests, or interests linked with another party, may (or appear to) influence or affect decision making. In relation to offering regulated qualifications however, there are some more specific definitions.

The Qualifications Regulators in England (Ofqual), Wales (Qualifications Wales) and Northern Ireland (CCEA) define that a conflict of interest exists in relation to an training delivery 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 accordance with its Conditions of Recognition,
- b) A person who is connected to the development, delivery and award of qualifications by the Training delivery 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 accordance with the training delivery organisation's Conditions of Recognition, or
- c) Any informed and reasonable observer would conclude that either of these situations was the case. The Qualifications Regulator in Scotland (SQA) defines a conflict of interest more simply as:

“A situation in which an individual, or organisation, has competing interests or loyalties.”

Conflicts of interests can include direct financial gain or personal benefit to an individual or to someone close to them. See Section 7 below for examples.

7. Examples of Conflicts of Interest

Conflicts of Interest can include, but are not limited to:

- A shareholder in Evolution Safety Solutions being a shareholder in another training provider or supplier to Evolution Safety Solutions.
- A Committee Member who is also a trainer provider.
- A learner undertaking a qualification is a relative of an employee of Evolution Safety Solutions.
- A question or unit writer is also a training provider.
- The Chief Executive is also the chair of the Governance Committee.
- A manager dealing with a complaint or appeal has a person interest in the Centre under investigation.
- Direct Financial gain or personal benefit by a staff member of centre based on the outcome of assessment.
- Disclosure of confidential information to a third party or parties for their benefit.

- Conflict of loyalties, such as when there is a personal interest in the outcome of assessments or quality assurance verifications.

8. Identifying Potential or Actual Conflicts of Interest

Many conflicts of interest can be pre-empted by being observant and having a good understanding of what conflicts of interest are and how they may occur, as well as how to report them. In this way it is possible to not only identify conflicts of interest that have occurred but also those which may occur but which can be prevented. Conflicts of interest may be identified by any stakeholder at any time, including by all staff members, centre staff, freelancers and contractors and a number of other third parties.

Due to the array of individuals who could potentially identify a conflict of interest, it is easier to set out how they might be identified which tends to happen via three main channels:

- Disclosures
- Third party reporting
- Intelligence

We have given more details on these channels in 8.1-8.3 below:

8.1. Disclosures

Any stakeholder may disclose a potential conflict of interest. This should be reported to the Compliance Manager using the reporting procedures outlined in Section 8. Where a stakeholder identifies a potential conflict of interest that requires an immediate resolution, they should verbally declare this conflict to the most senior member of Evolution Safety Solutions staff, who will manage this in accordance with the procedure outlined in this policy. All verbal declarations are still required to be reported to the compliance manager in accordance with this policy, for review and inclusion on the Register of Interests.

Internally, conflicts of interest disclosures are requested at the start of all senior management and Governance Committee meetings. Declarations are completed on an exceptions basis with nil reports minuted. General team meetings do not have to request declarations at every meeting due to their frequency, but staff are reminded regularly of their responsibility to disclose any potential conflict of interest immediately they become aware of it.

8.2. Third party reporting

Third party reports may come from a number of sources including, but not limited to:

- Learners
- Centre staff
- EQAs
- Evolution Safety Solutions staff
- Regulators
- Sector skills councils
- Industry representatives
- Other training delivery organisations

Third party reports may initially be received by centre support as feedback or could be received by a more senior member of staff if from the Regulator(s) or another training delivery organisation, etc. However, when such a report has been received, it must be escalated to the Compliance Manager for review and inclusion on the Register of Interests.

8.3. Intelligence

Potential or actual conflicts of interest may be identified through a range of intelligence channels. These may include, but are not limited to:

- EQA reports
- Social media
- Forums and working parties
- Centre support interactions
- Regulatory guidance
- Notifications from Regulators

As with all other forms of identification of actual or potential conflicts of interest, these must be reported to the Compliance Manager for review and inclusion on the Register of Interests.

9. Reporting Potential or Actual Conflicts of Interest

Where an individual or a Centre has identified an actual or potential conflict of interest, they should complete the Declaration of Interests form and submit it to the Compliance Manager as soon as possible, but no later than 2 working days after the conflict of interest has been identified.

Where an actual or potential conflict of interest has been identified via other means, such as intelligence or third-party reports, the information should be emailed to the Compliance Manager, giving as much information as possible.

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All reports should be emailed directly to the email address info@evolutionsafety.com without any undue delay. If it has taken longer than 2 working days since the conflict of interest was identified, a clear reason for the delay must be provided.

The Compliance Manager is responsible for reviewing all submitted declarations and reports and deciding whether there is a conflict of interest or not. They will then include any conflicts on the Register of Interest and, where necessary, inform the affected parties of any mitigating actions they are required to take in relation to the conflict.

10. The Register of Interests

The Register of Interests is the record of all actual or potential Conflicts of Interest declared or identified, both internal and external to Evolution Safety Solutions (i.e. due to staff or centres/learners). The Compliance Manager is responsible for updating and monitoring the Register of Interests.

The Register is held in the Compliance Team/Conflicts of Interest folder in the Evolution Safety Solutions secure iCloud system. Copies are not available to external parties due to the personal data contained therein, unless required to provide these to the Regulators or other appropriate Government Agencies (e.g. The Police or courts, etc.). All data is held in accordance with current data protection legislation including, but not limited to:

- The Data Protection Act 2018
- The General Data Protection Regulations
- The Privacy and Electronic Communications Regulations

The content of the Register of Interest is reviewed at the Governance Committee Meetings and other regularly held senior management team meetings.

The details of the interests held include:

- Date declaration submitted
- Name of individual or group making the declaration
- Description of the Interest
- Date reviewed by compliance manager
- Controls in place to manage the conflict
- Are the Controls effective?
- Additional Actions required
- Date Actions Completed
- Current Status (Managed/Closed)

11. Managing conflicts of interest

It is inevitable that conflicts of interest will arise, especially in a small company. The issue is not the integrity of

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the person(s) concerned but the effective management of such conflicts and any possible compromise to Qualification Network.

our qualifications, our reputation or our ability to comply with all relevant regulation and legislation. For Centres, the adverse effect of an unmanaged conflict of interest may affect their ability to register or assess learners or even their overall approval as a centre of Evolution Safety Solutions. An undeclared Conflict of Interest will, when discovered, lead to an investigation into a centre for potential malpractice. Managing conflicts of interest ensures that Evolution Safety Solutions is responsible and transparent in its operations.

The compliance manager will investigate any conflicts and will decide on the level of management required, based on the severity of the conflict or the potential risk of an adverse effect.

Where the compliance manager is involved or associated with the conflict identified, the issue will be investigated and managed by a nominated, independent member of the governance committee or other member of senior management. Similarly, if the compliance manager is not available at the time a potential conflict of interest is identified, their responsibilities will be taken up by another senior member of staff in order to avoid any delays in the necessary actions being taken to mitigate any risk caused by such a conflict of interests.

Possible management solutions include, but are not limited to:

- Removing the individual from making decisions
- Removing the individual from discussions resulting in a decision
- Having a third party involved with decisions or overseeing actions
- Removing the individual from tasks, such as marking, writing questions or quality assurance activities
- Prohibiting an external quality assurer from contacting or visiting a Centre
- Removal of a centre recognition
- Deregistration/approval of a trainer/assessor/IQA within a Centre

Where a conflict can be managed, the compliance manager is responsible for developing and communicating an action plan to minimise or remove the conflict. This action plan is recorded on the Register of Interests. Those involved with the conflict of interest issue will be notified by the compliance manager the management controls required in writing.

12. Unmanageable conflicts of interest

Where the compliance manager identifies that a conflict of interest cannot be justifiably managed immediately, those with the conflict will be informed that they are unable to continue to be involved with the issue until a resolution can be found.

The compliance manager will be responsible for consulting with the Governance committee and/or third parties in order to find a suitable management solution.

The compliance manager will be responsible for updating the Register of Interests accordingly.

13. Responsibilities

All staff, contractors, freelancers and centres have a responsibility to identify and report any actual or potential conflicts of interest. In particular, they must all be aware of any changes in their own personal circumstances which could then lead to new conflict of interest and ensure that they declare it without any delay. Failure to do so could result in disciplinary action for internal staff or sanctions in the case of approved centres and their staff.

Compliance Manager. Their responsibilities include, but are not limited to:

- Reviewing all notifications or declarations of conflicts of interest and deciding if they do meet the criteria of being an actual or a potential conflict
- Recording all potential and actual conflicts of interest on the Register of Interests
- Putting in place action plans to mitigate the risk of any conflict of interest (in liaison with other senior management)
- Identifying any additional resource requirements that may be required to manage the risk posed by an actual or potential conflict of interest. This includes staff, subject matter experts or consultants, independent reviewers, equipment or technology, etc.
- Monitoring conflicts of interest once a decision has been made regarding the actions necessary
- Keeping records of discussions and communications regarding conflicts of interest
- Updating the conflict of interest register as necessary
- Applying malpractice and/or risk management processes where necessary
- Providing training and guidance as needed to all persons, both internal and external, who may have cause to be able to identify a conflict of interest.

14. Risk Management

All risks, regardless of how they arise, are managed in accordance with our Risk Management Policy.

Risk arising out of identified conflicts of interest will be recorded on our Risk Register and the impact, or potential impact, will be recorded on that Register and updated as the action plan is completed.

15. Informing our approach

Evolution Safety Solutions embraces all situations as being opportunities for reflection and review of our policies and procedures to ensure that we are working smarter, not just harder, to provide a high quality, fully compliant service to our centres, learners and other stakeholders.

Conflicts of interest may highlight areas for improvement or show where our policies and procedures are not being followed correctly, whether through negligence or misinterpretation. Where any such issues come to light these will be discussed at staff or senior management team meetings to decide what the next steps are in order to resolve the issue.



Signed on behalf of Evolution Safety Solutions Ltd

This policy was approved by: Mark Lewis – 20th December 2022

Review Due 24 months from approval – 20th December 2024.