

Integrated EPA Policy and Guidance for Confidential & Commercially Sensitive Evidence Documents for Apprentices and Employers

Introduction

This document has been designed to provide information and support for apprentices who are unable to share complete documents and other media files as evidence within their portfolio and/or project report because of issues of confidentiality or commercial sensitivity.

In all organisations, there will be instances where an apprentice will be involved in work where confidentiality of data, information and documents is paramount. When the apprentice portfolio and/or project report is being constructed by the apprentice, this can present some challenges. This document sets out how these challenges should be addressed.

Section 1: Policy

The University's policy is based on two core principles:

1. That every apprentice's work is required to undergo independent end point assessment, as detailed in the relevant published assessment plan, in order to permit the integrated end point assessment (EPA) team to recommend an overall apprenticeship grade to the Education and Skills Funding Agency (ESFA), as well as award any accredited qualification or membership status (including Foundation Chartered, Chartered Manager or Chartered Fellow)
2. That no apprentice should be disadvantaged by abiding by their obligations of confidentiality, arising from legislation or from the policies of their employer. Where possible, evidence that is designated amber or green (see *Section 2: Guidance* below) should be used. Evidence needs to be sufficient to ensure that all of the learning outcomes within the Standard are met.
Apprentices should refer to their training provider for guidance on Standard requirements and their employer for guidance on evidence confidentiality.

1.1 Definition of confidential evidence

- For the purpose of this guidance, confidential evidence means any information or document that is confidential or commercially sensitive to the extent that it would be inappropriate for an apprentice to share it with the integrated EPA team for the purposes

of endpoint assessment.

1.2 What the integrated EPA team can accept in the place of confidential evidence

- The integrated EPA team will accept documents that have been appropriately redacted to remove any confidential or commercially sensitive material or information. Where a document is redacted to the extent that evidence of learning outcomes cannot be discerned, the work is to be deemed unacceptable or not appropriate. A recorded professional discussion with the Apprenticeship Tutor allows for the relevant skills and knowledge to be discussed in more generic terms. The redacted document can signpost the discussion. Apprentices should consider alternative evidence that is not confidential where this is available. A document that is completely or substantially redacted will not be acceptable or appropriate.
- The integrated EPA team will accept additional contextual statements or witness testimonies, where an apprentice or their training provider believe that this is necessary as a result of the redaction or withholding of confidential or commercially sensitive material.
- During the live assessment day, the apprentice may be asked questions about the redacted evidence in order to confirm any areas that require further detail to demonstrate the achievement of learning outcomes, but this will not include requests to disclose any details that could reveal confidential or commercially sensitive information.

1.3 How the integrated EPA team will protect evidence that is shared with them

- All recordings and evidence are securely stored within the E-portfolio system, the Integrated EPA's secure EPA system, up until such time that the integrated EPA team has been subject to an External Quality Assurance (EQA) audit conducted by the Office for Students.
- All Independent Apprentice Assessors (IAA's) from the integrated EPA team and staff involved in the EPA are required to agree to terms which protect confidential material which is disclosed to them. All members of the EPA team will also be required to undertake training in data protection and information security.
- In exceptional circumstances, the integrated EPA team will consider a request from an apprentice's employer to sign the employer's confidentiality agreement. In general, the University will accept such requests only where there is no other way to ensure that apprentices receive fair credit for their work. These requests will need to be provided in writing prior to the apprentice entering the EPA gateway.

Section 2: Guidance

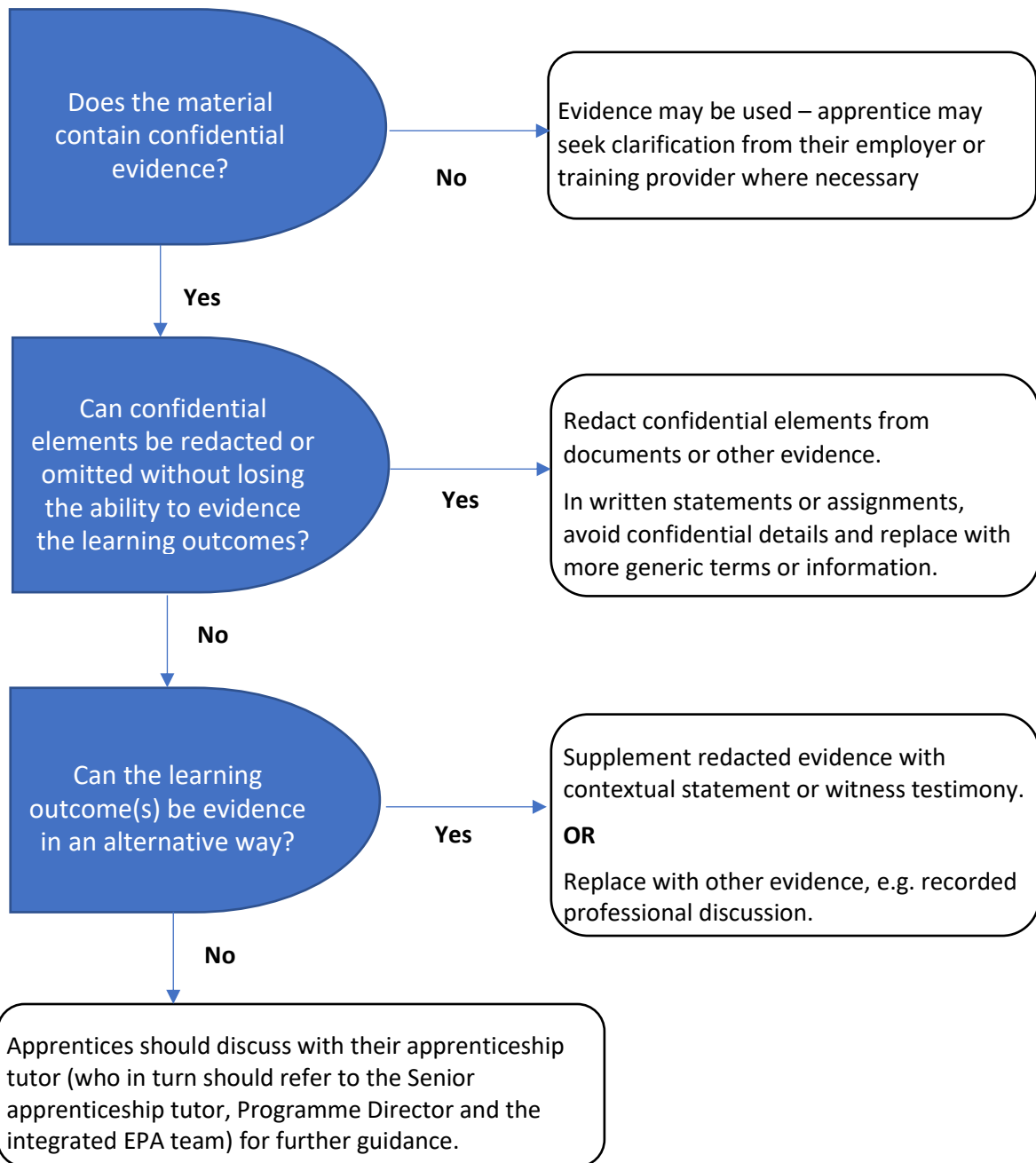
2.1 How to identify confidential evidence

- Apprentices must review evidence that they are considering for inclusion within their portfolio or project report (if relevant) and identify whether it contains confidential information that cannot be shared. They should consider this in the context of their responsibilities under data protection legislation, their employer's policies, and any relevant professional/sector codes of conduct.
- Apprentices, Employers and the University should agree which work-based examples can be discussed as part of the live assessment interview and/or professional discussion topics. Wherever possible, evidence that does not contain confidential information and that meets the apprenticeship standards should be used so it can be recorded.
- The table below provides general guidance as to types of subjects and materials that are likely to contain confidential information.

| Rag Rating | Risk | Examples |
|------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Red | Highly likely to contain confidential information | Personal data, information relating to IT / digital security, market-sensitive information, commercially sensitive information. |
| Amber | Likely to contain some confidential information | Meeting minutes/actions, strategy documents, unpublished/internal communications, information relating to specific business issues or product/process improvements. |
| Green | Less likely to contain confidential information | Documents/information already in the public domain, contextualisation statements, self-reflections, witness testimonials/colleague feedback, information relating to generic business issues or projects. |

2.2 How to decide what to do with confidential evidence

- If apprentices identify that evidence that they wish to use is confidential or commercially sensitive, they should approach its use as set out in the following flowchart:



2.3 How to provide a contextual statement or witness testimony in support of confidential evidence

A. Contextual statements (completed by the apprentice)

- Can be used to support or replace redacted evidence.
- Should be completed by the apprentice.
- Include:
 - a statement as to which learning outcome(s) the evidence supports
 - the circumstances where the evidence was generated
 - a description of what the apprentice did and what outcome(s) this achieved
 - any additional (non-confidential) information which would strengthen the evidence provided or provide further context
- Must be accompanied by a confirmation statement from the apprentice's employer (usually their line manager or mentor who is supporting the apprentice with their apprenticeship) stating that the contextual statement is accurate. If the apprentice works under the direct supervision of a client or at a client's premises, the confirmation statement may be provided by the supervising client.

B. Witness testimonies (completed by someone other than the apprentice)

- May be provided instead of, or as well as, a contextual statement to support evidence from which information has been redacted.
- Should be completed by a line manager, other relevant managers, or by another relevant colleague/client.
- Should contain:
 - a statement as to which learning outcome(s) the evidence supports
 - the circumstances where the evidence was generated
 - a description of what the apprentice did and what outcome(s) this achieved
 - any additional (non-confidential) information which would strengthen the evidence provided.

Version Control:

| Version | Date Approved | Approved by | Effective from | Next Review | Keeper (responsible for Policy maintenance and review) |
|---------|--------------------------------------------|--------------------------|-----------------------------|-------------|-----------------------------------------------------------|
| 1. | 11.08.21 | DELT on behalf of UBTLSE | 1 st August 2021 | Summer 2022 | CQSD |
| 1. | Reviewed Autumn 2022 – no changes required | | | Summer 2023 | CQSD |
| 1.1 | 4 June 2024 | UBTLSE | Date of approval | August 2025 | CQSD |