



COMPETITION LAW POLICY



Version Number	Date	Purpose of Change	Classification	Sign Off
V4.1	22/10/2025	Merge of EPA, NOPS and Awarding policies - new content and formatting	Public	Kerry Ore

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1. SCOPE

1.1 Smart Awards Ltd is subject to both UK and EU competition law. It is the general policy of Smart Awards to comply with all laws applicable to its activities, including strict compliance with UK and EU Competition Law.

1.2 This policy applies to all qualifications, End-Point Assessments (EPAs), and the Network Operative Passport System (NOPS).

1.3 It covers individuals and organisations recording and accessing information stored on NOPS, as well as centres, assessors, contractors, consultants, and any third parties acting on behalf of Smart Awards.

2. RESPONSIBILITIES

2.1 This policy is for centres and individuals to access Smart Awards qualifications, EPAs, NOPS, and related services.

2.2 Smart Awards, through the Chief Executive Officer (CEO), holds overall responsibility for ensuring compliance with competition law.

2.3 The CEO has day-to-day responsibility for implementation, monitoring, and dealing with any queries or concerns.

2.4 All directors, employees, contractors, centres, consultants, agents, and third parties acting on behalf of Smart Awards must avoid any breach of competition law and act in a compliant manner in all dealings related to Smart Awards' business.

3. POLICY

3.1 This policy provides practical advice on situations which may give rise to risks under competition law.

3.2 All business dealings must comply with competition law and must include:

- Complying with competition law at all times
- Reporting any suspected infringement of competition law to the CEO
- Reporting any contact with competitors that includes discussions of contracts, prices, or market-sensitive matters to the CEO

4. DISCUSSION WITH COMPETITORS

4.1 Do's

- DO seek advice before accepting social invitations from competitors.
- DO remember that all arrangements, including informal understandings or "gentlemen's agreements", are illegal if they infringe competition law.
- DO avoid any discussion of competitive subjects with competitors and make it clear you are not participating in such discussions.

4.2 DON'T discuss, recommend, or agree with competitors on the following:

- Costs, prices, discounts, rebates, or margins
- Market sharing, allocation of territories or customers
- Product launches, withdrawals, or refusals to deal
- Any coordination to exclude competitors from the market

4.3 If such discussions occur, leave immediately, ensure your departure is noted, and report the matter to the CEO without delay.

5. DISCUSSION WITH CUSTOMERS AND OTHER ORGANISATIONS

5.1 You may accept information volunteered by customers or organisations about competitors, but you must never request or encourage it on a regular basis.

5.2 DON'T:

- Ask for competitor information from customers or organisations
- Oblige others to disclose competitors' prices to match them
- Discuss Smart Awards' arrangements with one customer in front of another
- Attempt to control the pricing, territories, or operations of distributors or organisations

5.3 If you suspect a breach or uncertainty, seek immediate guidance from the CEO.

6. REPORTING

6.1. Anyone who becomes aware of an existing or potential breach of this policy must report it to the CEO of Smart Awards.

6.2 Alternatively, concerns can be raised under the Whistleblowing Policy.

6.3 All reports will be handled confidentially and investigated appropriately.

7. REVIEW OF THIS POLICY

7.1 This policy is reviewed annually, or sooner if required, in response to feedback, legislative updates, or regulatory guidance from Ofqual, SQA Accreditation, or other relevant authorities.

8. PROCESS FOR RAISING A CONCERN

Process Step Description	Process	Person Responsibility	Activity
Raise concern to CEO of Smart Awards	Process	All internal and external	Smart Awards/ Centres
Review concern	Process	CEO	Smart Awards
Investigate concern	Process	CEO	Smart Awards
Add to risk log	Process	CEO	Smart Awards
Inform Board	Process	CEO	Smart Awards
Outcome decision made	Decision	Board holds responsibility and experience to make decisions and apply suitable actions.	Smart Awards
Mitigate risks	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Communicate outcome to centre	Process	CEO	Smart Awards
Lessons learned	Process	CEO	Smart Awards
Continue to review risks	Process	CEO	Smart Awards
Stop	End	CEO	Smart Awards

9. OFQUAL GENERAL CONDITIONS

9.1 A1.2 For these purposes, an act or omission may include in particular one which results in the awarding organisation –(b) being held by a court or any professional, regulatory, or government body to have breached any provision of Competition Law, Equalities Law, or Data Protection Law,

9.2 J1.8 In these conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly): The Competition Act 1998, or any legislation in a jurisdiction other than England which has an equivalent purpose and effect.

9.3 PR1.1 An awarding organisation must conduct its activities in a way that is designed to facilitate its adherence to the following principles:

(a) Principle 1 – An awarding organisation must act with honesty and integrity.

(d) Principle 4 – An awarding organisation must act in a way that maintains and, where possible, promotes public confidence in qualifications.

10. QUALIFICATION SCOTLAND ACCREDITATION PRINCIPLES

10.1 Principle 4 The awarding body shall continually review the effectiveness of its business services, systems, policies, and processes.