



BUILDING ENGINEERING SERVICES ASSOCIATION

CONFLICT OF INTEREST POLICY

1. Forward

The BESA has a proud heritage, having been established in 1904 as the National Association of Master Heating and Domestic Engineers. BESA has been known by several names through the years, most notably as the Heating and Ventilating Contractors' Association (HVCA) for nearly 50 years. We have evolved to reflect the changing needs of our members and the sector, and in 2012 we rebranded to the Building & Engineering Services Association (B&ES) to reflect the growing range of specialisms covered by our members. Now trading as BESA, our name highlights the fact that first and foremost we are an association, and our industry will always be our primary focus.

2. Introduction

BESA is committed to making sure all of its activities are free from bias. This policy makes clear BESA's position on conflicts of interest and sets out the procedures to be followed should conflicts arise. This policy will also be reviewed frequently until such a time as the outputs and requirements of the 'Institute of Apprenticeships (and Technical Education) are defined.

BESA, with the industry, its members and other interested parties has been instrumental in the design of 'Future Standards' (Trailblazers), Training Programmes, Certification and Career Professional Development. BESA recognises and understands that as we are, or will be, involved in the Training Delivery and separate End Point Assessment of Apprenticeships (as legally defined), industry required training, certification and awards. It is important that we as a Trade Association lead the way in defining and protecting from Conflict of Interest.

This policy outlines the broad approach taken by BESA to

- a. Identify and monitor all actual / potential conflicts of interest that may affect the delivery both now and in the future; and
- b. Possible conflicts of interest that may have been defined to date and any arrangements in place to prevent these from occurring

This document when finalised will be made publicly available and may be provided to Regulators or other Interested parties from time to time to satisfy them of BESA's ability to comply with their requirements in relation to conflicts of interest, and to prevent such a conflict from becoming an 'adverse effect'.

3. Definition

Even the appearance of a conflict interest can be damaging, so potential conflicts will be managed carefully but with transparency. The aim of this policy is to protect both the organisation and the individuals involved from any appearance of impropriety, to prevent

conflicts of interest having an Adverse Effect and to limit any damage as a result of a conflict of interest having material effect.

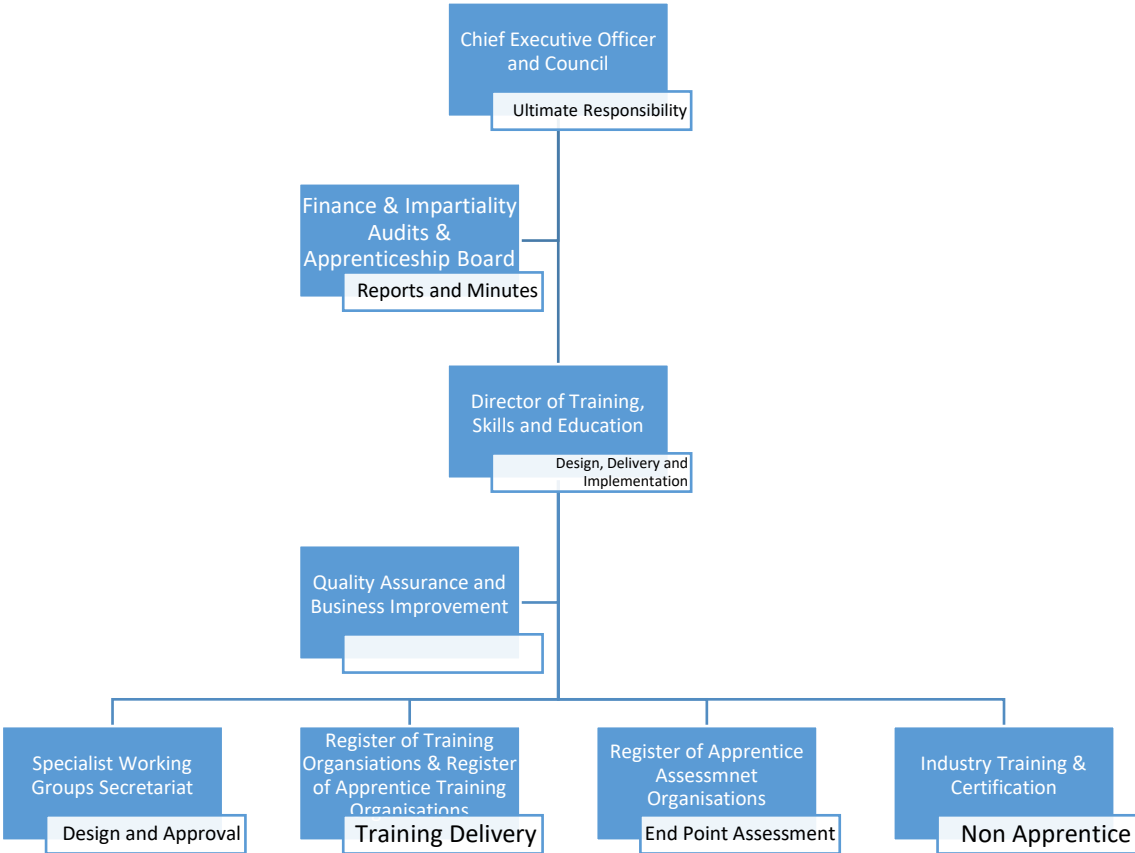
Current Regulatory Conditions define a conflict of interest as where BESA’s –

- a. 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, (certification or awards) in accordance with any condition of recognition.
- b. A person who is connected to the development, delivery or award of qualifications (certification or awards) by the 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 awarding organisations recognition, or
- c. An informed and reasonable observer would conclude that either of these situations was the case.

4. Scope & Dealing with Conflict of Interest

BESA’s activity across the Board in the development, delivery and award of Apprenticeships, Training and Certification Both Regulated and Non Regulated requires that we clearly define the scope of activities and how those activities will be monitored for impartiality and conflict (as well as Financial Probity etc. not covered by this Policy).

a. Structure



- b. The Chief Executive and the Council have ultimate responsibility for the operations and integrity of the organisation. The Chief executive is monitored by the Board and Council against declared and projected activities, sanctioned or authorised by the business operating model defined by the Council and its Officers [N.B. The Constitution is being

re-written to define this structure and their responsibilities to show accountability and responsibility].

- c. The Finance and Impartiality Policies, Procedures and Audits are the ultimate responsibility of the Chief Executive and are designed and developed by that office in conjunction with the area affected, as well as other internal departments, or external contractors, that may be carrying out those activities as defined by those Policies on behalf of that office.
- d. The Apprenticeship Board, is an emerging function designed to capture the intent of systematic review, encouragement and monitoring of the delivery of Future Apprenticeships (Trailblazers), its Terms of Reference and Membership is currently being drawn from Industry representatives whom were involved in the initial design of Trailblazers. This will create an expert panel on the content, impacts to or ongoing maintenance requirements of Future Standards, this Board is new and is still defining its Activities and Terms of Reference to sit in line with those defined by The Apprenticeship Delivery Board, and any other activity as described by the emerging Institute of Apprenticeships at current its activity will not least be (TBC);
 - i. Provide Leadership to industry on employer engagement in Apprenticeships
 - ii. Encourage employers to increase numbers and types of Apprenticeships
 - iii. Support the high quality of sector Apprenticeships by providing an avenue for review and redevelopment
 - iv. Ensure that existing sectorial Trailblazers in development have an avenue for advice and guidance on development
 - v. Provide a location to address review or maintenance requirements of Future Standards for Apprenticeships
 - vi. Discuss and address industry needs for higher level Apprenticeships, barriers to Engagement
 - vii. Give information, advice and guidance to any emerging Government Body (for example NAS, AAN and ASB) on employer and supply chain engagement
- e. Director of Training (Skills & Education) is the business lead and responsible to the day to day strategy, quality assurance, implementation and delivery of Apprenticeships and general training and certification required by our industry and its near scope or supporting activity.
 The Director will respond directly to those units that are acting on behalf of the ultimately responsible person.
 The Director will also design and maintain (following approval) all those areas that are required under regulation (e.g. but not all inclusive - Institute for Apprenticeships, FASST (SFA), Skills Development Scotland, Quality Skills Alliance Wales, Department for Local Government, Department for Environment, Food and Rural Affairs and their Agencies)
 The Director will ensure that all sub units (RoTO, RoATP, RoAAO and Certification Body) are adequately resourced with professional persons that can undertake the requirements of each area, and not least and Conditions, Requirements and Rules that may be imposed by those bodies that are Recognising BESA to carry out its activities on their behalf.
 The Director will be required to provide reports, carry out corrective actions on any identified measure and describe processes that will enable eradication of that act that may have caused conflict or requirement for a corrective action
 The Director will be responsible for (as appropriate and as may be changed by the outcomes of those Bodies or Agencies above) the delivery of the following;
 - i. Design of Training and Training Support for Apprenticeships under Regulated, RoTO or RoATP
 - ii. Design of Training and Training Support for Industry required Training
 - iii. External Quality Assurance of all areas under our control or deferred to us by those bodies or agencies from time to time
 - iv. Design of Standards that the Industry supports through the Employer Development Group or consequently the Apprenticeship Board to ensure that they are relevant as required by industry as well as compliant with those Bodies or their Agencies needs

- v. Design and Delivery of End Point Assessments, including Process and Methodology, for those Apprenticeships it is charged to by our industry and recognised by the relevant Body
 - vi. Internal Quality Assurance to ensure due separation and minimisation of conflict of interest between the activities that BESA undertake in the end to end delivery of design, implementation, delivery and assessment of Apprentices
 - vii. Provide reports in a transparent and regular fashion of all Quality, Financial Probity, Impartiality or other as required by the Ultimately responsible Person or those Bodies that have recognised BESA to undertake these activities on their behalf
 - viii. Provide training to all staff at induction and then after to ensure understanding of conflict of interest by all staff employed or sub-contracted by BESA in the undertaking of its activities
 - ix. Escalation of all conflict of Interest as appropriate
- f. Quality Assurance & Business Improvement; carries out day to day monitoring of most aspects of the day to day delivery of Apprenticeships and Industry training including but not extensively
- i. The Design and development of the Quality Manual
 - ii. Reporting as required by the Regulation Authorities or Agencies on outcomes, financial probity, progress and results
 - iii. Delivery against all requirements or conditions
 - iv. Investigations into non compliance
 - v. In most cases this will be reported through the Director, however there are reports that are required by the Impartiality Committee, Finance policy or other that will be produced directly for those bodies
- g. As an organisation that values all aspects of its business individual teams and the members of any Board or Council are expected to identify and inform the Director of Training and/or the Chief executive (as appropriate) of any actual or potential conflicts of interest that could impact upon the Association or its customers and which have not been already identified / controlled or managed. All Board members, staff and sub-contractors will be expected to complete a 'Declaration of Interest Form
- h. In addition, managers are required to manage and monitor any identified conflicts of interest that relate to their area of operations. Should the status of any identified conflict, or their associated controls change, then the manager for the team or activity should inform the Director of Training so they can update the Register of Interests, as required.
- i. Overall the Associations compliance with regard to identifying and managing any conflict of interest will be reviewed regularly with the Chief executive whom will also review the Register of Interests, which should be completed by all affected staff, this activity may be carried out by set teams, councils or committees (e.g. Impartiality) however responsibility resides with the ultimate responsible person the CEO.
- j. The Policy applies to all those directly or indirectly involved in undertaking activities as recognised by those Bodies and includes
- i. The Executive
 - ii. Impartiality Committee
 - iii. Finance committee (BESA Training)
 - iv. Apprenticeship Board
 - v. Centre approvals
 - vi. Employees
 - vii. Approved Centres
 - viii. Contractors or Sub-Contractors
 - ix. Agency Staff
 - x. Association Staff (connected)

5. Out of Scope

- a. The Competent Persons Scheme BESCA
 - i. Except where staff or subcontractors whom are employed by BESCA are involved with the activities or outcomes of BESA Training, at which time they will be subject to this and any other policy that is in place

- ii. This should not override any Conflict of Interest Policy held by that activity, however the most rigorous will apply.
- b. The Refrigerant Handling Scheme REFCOM
 - i. Except where staff or subcontractors whom are employed by REFCOM are involved with the activities or outcomes of BESA Training, at which time they will be subject to this and any other policy that is in place
 - ii. This should not override any Conflict of Interest Policy held by that activity, however the most rigorous will apply.
- c. The Register of Competent Individuals SkillCARD
 - i. Except where staff or subcontractors whom are employed by SkillCARD are involved with the activities or outcomes of BESA Training, at which time they will be subject to this and any other policy that is in place
 - ii. This should not override any Conflict of Interest Policy held by that activity, however the most rigorous will apply

6. Identifying Conflict of Interest

- a. Typical Circumstances where a conflict of interest arises are;
 - i. Where a member of staff, contractor or sub-contractor has been involved in the training as well as the end point assessment of an Apprentice
 - ii. Where an assessor is related to the candidate
 - iii. Where there could be a career or financial benefit to an assessor or moderator as a result of a candidate or candidates achieving qualification
 - iv. Where performance measures, employers, league tables or other place pressure on assessors to impact the result of an assessment
 - v. Where a course tutor has been involved in the design of end point assessments for a particular candidate
 - vi. An External Verifier, or External Quality Assurance personnel have been involved in the training or assessment of an individual
 - vii. Where the end point assessor is also the employer
 - viii. Where the employer is part of any appeals process
 - ix. Where during the investigation of conflict, appeal against a centre or centre personnel, BESA staff or other involved persons, a person involved in that investigation or appeal is also an employer, relative or has a vested interest in the outcome
- b. Where appropriate Conflicts of Interest are dealt with in the Centre Approval processes and control measures should be verified
- c. In some cases, it is not always clear what may constitute a potential conflict of interest. In deciding on whether a situation presents a possible conflict of interest, consideration should be given to the individual circumstances, and the potential for influencing the outcomes of the development, deliver or assessment process through those associated interests or affected policy
- d. Should an external party feel there has been an actual conflict of interest they should raise the matter with the Director of Training in the first instance will begin an investigation. Where the Director has been involved in the process it will be passed to the Chief Executive
- e. Any staff assigned to the investigation will have the appropriate level of training, competence and experience in dealing with the matter and will not have previous or personal interest in the outcome
- f. If the Conflict of Interest is a breach of external Recognising Body or Regulator, they will inform that body of the breach, the steps it has taken to remedy the breach, correct or mitigate in the future

7. Monitoring and Evaluating Conflicts of Interest

- a. Records of all conflicts of Interest, their investigations and findings, will be held by BESA Training for a period of at least five years
- b. The Policy is subject to annual monitoring by the Impartiality Committee and the Management for monitoring and evaluation, through comparative performance, data sampling and assessment sampling as required.
- c. The Policy is reviewed and revised by the BESA Management as and when necessary resulting from customer and end-user feedback or regulatory change
- d. The Policy will be approved by the Executive as the Ultimately responsible person following acceptance by the relevant bodies that may carry out some of the activities on behalf of that office