



THE BRITISH INSTITUTE OF NON-DESTRUCTIVE TESTING

Bye-Law No 4

Impartiality

Note to Bye-Law No 4

1. The term “committee” used throughout this Bye-law includes any group, sub-group or working group established to make recommendations or decisions relating to any Institute activity. That includes the ECWG committee that oversees activities associated with end point assessment of apprentices.
2. To maintain impartiality, conflicts of interest must be avoided, so this policy also covers conflicts of interest and can be considered a ‘conflicts of interest policy’.
3. There is a separate ‘live’ ‘threats to impartiality’ assessment document.

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Chief Executive Officer

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1. The Institute's purpose

The primary object of the Institute is defined in its Articles of Association:

“To promote the advancement of the science and practice of non-destructive testing, condition monitoring, diagnostic engineering and all other associated materials and quality testing disciplines”.

This is a charitable purpose, established for public benefit. The Institute is the vehicle through which its members work collectively to pursue its primary object.

The Institute also offers certification of management systems in compliance with the EN ISO 9000 series of standards, and certification of personnel for compliance with various standards covering inspection, testing and monitoring, such as EN ISO 9712 and ISO 18436. The Institute's compliance with the following references is essential to its certification activities:

EN ISO/IEC 17021 - Conformity assessment — Requirements for bodies providing audit and certification of management systems.

EN ISO/IEC 17024 - Conformity assessment — General requirements for bodies operating certification of persons.

Another important aspect of the services provided by the Institute in pursuit of its charitable objects is the end point assessment of apprentices.

2. Means of operating

This is defined in detail in the Articles of Association and Bye-laws 1, 2 and 3. From these it is clear that the Institute relies heavily on the contribution of volunteers from its membership for the work of the various committees that decide policy and oversee the diverse activities of the Institute.

A professional secretariat is employed to work with the committees in defining policy, implementing decisions and managing and delivering the Institute's products and services.

In order to secure conformity with the essential references detailed under 1 above, the institute shall develop and implement appropriate policies, quality management systems and procedures covering its certification operations.

The approval of such documented systems and the periodic audit to ensure implementation shall be the responsibility of the Institute's Certification Management Committee (the Scheme Committee defined in the essential references).

End point assessment of apprentices is undertaken within the Institute's 'registration' proposition, alongside the assessment of engineers and technicians seeking registration with the Engineering Council. As such, activities associated with the end point assessment of apprentices are subject to oversight by the ECWG committee and are subject to the same controls, including those exerted to ensure impartiality, as those activities associated with the registration of engineers and technicians with the Engineering Council.

3. Significance of impartiality

For the sake of its integrity and professional standing the Institute must be, and must be seen to be, making decisions and establishing policies aligned solely to its charitable purpose. Inevitably, decisions made and policies established will have an impact on the business interests of volunteer members. It is essential that the Institute has in place appropriate safeguards to ensure that decisions are not, deliberately or unwittingly, influenced by vested interests.

With respect to the end point assessment of apprentices, it is essential that those CEng- or IEng-registered engineers undertaking such end point assessments can and do act with impartiality.

Safeguarding impartiality:

- 3.1 All Institute committees and staff must be alert to threats to impartiality.
- 3.2 Potential threats to impartiality should be documented by the Staff Exec in consultation with relevant committees and a copy shall be provided to the Governance Advisory Committee.
- 3.3 Anyone participating in a committee discussion, and anyone undertaking activities on behalf of the Institute, such as the end point assessment of apprentices, must declare their interest if they believe that the outcome of the discussion could affect their business circumstances or unfairly influence the outcome of, for example, an assessment.
- 3.4 By way of an example of a conflict of interest, certain relationships between an assessor (working on behalf of the institute) and a person or organisation subject to assessment would constitute a conflict of interest and is therefore prohibited. For example, an assessor shall not be related to a person being assessed, or be employed by an organisation being assessed (or any of that organisation's subsidiaries). More specifically, with respect to the end point assessment of apprentices, an assessor shall not be employed by the same organisation employing the apprentice and shall not be employed by a subsidiary of the organisation employing the apprentice and shall not be related to the apprentice. If someone is unsure whether a relationship (or an interest of any nature) within a given context constitutes a conflict of interest, they shall declare it to either the relevant committee chair or the Institute's CEO.
- 3.5 Following a declaration of interest the relevant oversight committee chair or CEO will decide whether it is appropriate to exclude the individual from the meeting and/or discussion and/or decision and/or activity.
- 3.6 If it becomes evident that an individual has a vested interest but has not declared this the committee chair or CEO must halt the discussion and/or activity and seek clarification from the individual concerned. The committee chair and/or CEO has the authority to exclude any individual from the meeting or discussion or activity if this will avoid a potential conflict of interest and breach of impartiality. Such incidents must be recorded in, for example, the minutes of the meeting, and the relevant section or document shall be copied to the CEO for discussion at the next Staff Exec meeting and at the next Governance Advisory Committee meeting.
- 3.7 If a committee is unable to resolve a conflict relating to impartiality it shall refer the matter to the CEO who, in consultation with the Governance Advisory Committee, may convene a panel of appropriately qualified persons to discuss the matter and make recommendation for its resolution.
- 3.8 Notwithstanding the requirements of individual committees the Governance Advisory Committee shall include impartiality in its annual review of the Institute's governance arrangements. Any recommendations resulting from this review will be passed to the Staff Exec, the Institute's Council and the relevant committees.

- 3.9 If the Top Management of BINDT (by which is meant the executive management of BINDT) does not respect the advice of the GAC, then any member of the GAC shall have the right to take independent action (e.g. informing the authorities, the accreditation bodies, other stakeholders, etc.)
- 3.10 In taking any such independent action, all committees shall respect any and all confidentiality requirements.

4. Compliance with this Bye-law.

The requirements of this Bye-law must be adhered-to by:

- 4.1 Staff.
- 4.2 Members of the Institute's Council.
- 4.3 All other Institute committee members.
- 4.4 All people undertaking activities on behalf of the Institute, such as the end point assessment of apprentices.