

Terms of Reference and working arrangements for The ECITB Qualifications and Awards Committee (“the Terms of Reference”).

Formal standing of the Qualifications and Awards Committee

1. The Qualifications and Awards Committee (“the Committee”) is a committee appointed by the ECITB’s Board (“the Board”), appointed under section 2 of the Industrial Training Act 1982 with responsibility for the functions and duties described in these Terms of Reference.

Scope of delegated authority

2. The Committee is a committee appointed by the Board to which it reports on a regular basis.
3. The Committee’s authority extends to all relevant matters (as set out in these Terms of Reference) relating to the regulation and award of all ECITB qualifications and awards in line, where qualifications are regulated, with the prevailing regulations laid down by the Office of the Qualifications and Examinations Regulator (Ofqual) and the Scottish Qualifications Authority Accreditation (SQA Accreditation).
4. The Committee is authorised by the Board to investigate any matters within its Terms of Reference and to seek any information it requires from any employee of the ECITB in order to carry out its duties.
5. The Committee is authorised by the Board to obtain independent legal or other professional advice at the ECITB’s expense provided that such advice is necessary and its cost reasonable in the circumstances. This will be facilitated by the Board Secretary. The Committee may also commission reports and require the attendance at meetings of staff and/or other individuals with relevant experience and expertise, if it considers this necessary.

The Committee’s duties and responsibilities

6. The Committee will support the Board by:
 - a) reviewing the appropriateness, comprehensiveness, reliability and integrity of the ECITB’s qualifications and awards having regard to the requirements of the engineering construction industry; and
 - b) where such qualifications and awards are regulated, reviewing that they comply prevailing regulations and meet the requirements laid down by the Office of the Qualifications and Examinations Regulator (Ofqual) and the Scottish Qualifications Authority Accreditation (SQA Accreditation).
7. On the basis of the Committee’s review of such matters and the assurances provided to it the Committee will form an overall view on the state of the ECITB’s qualifications and awards, which it will report to the Board.
8. In order to discharge the responsibilities delegated to it by the Board, the Committee shall seek assurance that:
 - A proper framework of prudent and effective controls relating to the ECITB’s qualifications and awards exists, so that risks can be assessed, managed (with appropriate and timely mitigating actions properly undertaken) and taken prudently;
 - Clear accountabilities exist for managing activities and risks relating to the ECITB’s qualifications and awards; and
 - ECITB’s managers and staff are equipped with the relevant skills and guidance.

9. The Committee will undertake the following tasks:

- a) Oversee the development of all new ECITB qualifications and awards, approve them and their implementation.
- b) Ensure that all qualifications and awards given or recognised by the ECITB are supported with appropriate approval and assessment processes.
- c) Oversee the development, maintenance and implementation of the ECITB's Qualification Strategy and Action Plan.
- d) Monitor progress towards the achievement of the ECITB's Awarding Organisation's strategic plans for Ofqual or SQA Accreditation, including making any recommendations for new awards.
- e) Advise on procedures for assessment and verification of qualifications and awards, and ensure value for money in their delivery.
- f) Review audit reports from the relevant regulatory authorities and endorse any resulting action plans.
- g) Advise on any sanctions imposed upon approved centres and any appeals, which may result from such sanctions.
- h) Monitor and regulate ECITB provider approval and accreditation processes to ensure quality and rigour.
- i) Review the operation of the Board's procedures for ensuring the independence and integrity of its systems for awarding qualifications.

Chair and his/her reporting responsibilities

10. A Board member nominated by the Board will be the Chair of the Committee, who shall preside at every meeting of the Committee ("the Chair"). In the absence of the Chair, the remaining members present shall elect one of themselves to chair the meeting. The Chair shall be responsible for ensuring that the work of the Committee is effective, that the Committee is appropriately resourced and that it maintains appropriate communications with stakeholders.
11. The Chair of the Board shall not be the Chair of the Committee.
12. The Chair will provide an oral report on Committee proceedings at Board meetings. The duly approved minutes of Committee meetings will be circulated to all Board members in advance of Board meetings to enable the Board to discuss matters where appropriate.
13. The Committee shall make whatever recommendations to the Board it deems appropriate on any area within its remit, particularly where action or improvement is required.
14. If requested by the ECITB Council, the Chair will provide periodic written reports to the Council on matters in the Committee's proceedings which are of strategic or major importance having regard to the interests of the engineering construction industry's stakeholders, including employers, workers, learners, customers, and other stakeholders.

Members

15. Members of the Committee shall be appointed by the Board. There shall be a minimum of three and maximum of nine members of the Committee (including the Chair) all of whom shall be independent non-executive members.
16. Other than the Chair, all members of the Committee must possess relevant knowledge, experience and expertise.
17. Appointments will be initially for three years with the possibility of reappointment for one further three-year term.

18. In the event that it is not possible for new members of the Committee to be found to replace retiring members, the Committee may, by majority vote, recommend to the Board that the requisite number of retiring members of the Committee should be reappointed for a further period of Committee membership provided that the individuals concerned have indicated their willingness to continue their membership. The Board may accept such a recommendation and reappoint a retiring member for a further period of Committee membership

Secretary and secretarial support

19. A member of the ECITB's staff chosen by the Chief Executive of the ECITB shall act as secretary of the Committee and shall attend Committee meetings.
20. The Committee will have access to sufficient resources in order to carry out its duties. This will include the support of the secretary of the Committee with responsibility for arranging meetings, drafting agendas in consultation with the Chair, commissioning and circulating papers, maintaining Committee records including taking minutes and undertaking any Committee business that may fall outside meetings.
21. The secretary of the Committee shall keep a twelve month rolling programme of the Committee's work plan and planned meetings, which will be provided to all members for each meeting.

Quorum

22. At a meeting of the Committee one-third of the members (including the Chair) shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions of the Committee. If the meeting is inquorate, Committee decisions cannot be made and any discussions will be informal only. The Chair may decide to call a special meeting to undertake the remaining business.

Meetings

23. Meetings shall be held at least three times in each year at appropriate times in the reporting and audit cycle, and at other times as required.
24. Meetings of the Committee shall be called at any time by the secretary of the Committee at the request of the Chair of the Committee or the Chair of the Board.
25. Additional meetings of the Committee, other than those regularly scheduled as above, shall be summoned by the secretary at the request of the Chair.
26. Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed and papers relating thereto shall be forwarded by email or other electronic means to each Committee member and any other person required to attend no later than 5 working days before the meeting.

Attendance at meetings

27. Only members of the Committee shall have the right to attend Committee meetings. Other individuals may be invited to attend all or part of any meeting as appropriate. The Chief Executive/Accounting Officer will be invited to attend meetings on a regular basis. Other members of the ECITB's staff may attend as invited by the Chair. The Chair may invite such individuals to attend all or part of any meeting of the Committee.

Proceedings of the Committee

28. Subject to the provisions of these Terms of Reference, members of the Committee may regulate their proceedings as they think fit.

29. Questions and decisions arising at a Committee meeting may be decided by a majority of Committee members' (including the Chair) votes. In the case of an equality of votes, its Chair shall have a casting vote.
30. If the Chair is unwilling to preside or is not present within ten minutes after the time appointed for the meeting, the members of the Committee present may appoint one of their number to be chairman of the meeting.
31. All acts done or decisions made by a meeting of the Committee shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any member of the Committee or that any of them were disqualified from holding membership, or had vacated membership, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a member of the Committee and had been entitled to vote.
32. A decision in writing signed by a majority of the members of the Committee (excluding the Chair) entitled to receive notice of a meeting of the Committee (or a sub-committee of the Committee) shall be as valid and effectual as if it had been passed at a meeting of the Committee duly convened and held.
33. A member of the Committee shall not vote on any matter at a meeting of the Committee or of a sub-committee of the Committee on any resolution concerning a matter in which he has, directly or indirectly, an interest or duty which is material or which conflicts or may conflict with the interests of the ECITB. Each member shall have a duty to notify any circumstances which may constitute a conflict or a perceived conflict of interest to the Secretary and/or Chair prior to the commencement of the meeting to enable a determination to be made as to what procedure should be adopted to limit the member's participation in the meeting in respect of the Agenda item(s) which gives rise to the conflict or potential conflict.
34. If a question arises at a meeting of the Committee as to the right of a member of the Committee to vote, the question may, before the conclusion of the meeting, be referred to the Chair of the meeting and his/her ruling in relation to any member of the Committee or sub-committee other than himself shall be final and conclusive.

Minutes of meetings

35. Committee proceedings, decisions and actions required from all meetings will be minuted and will include a record of the names of those present and in attendance.
36. Any actual or potential or perceived conflicts of interest shall be identified at the start of each meeting and recorded in the minutes.
37. Draft minutes will be circulated to the Chair within two weeks of the date of the relevant meeting and, once approved by the Chair, to Committee members and meeting attendees unless a conflict of interest or a matter of confidentiality exists.

Disclosure

38. The Terms of Reference and membership will be available on the ECITB website. The ECITB's annual Trustee's Report will describe the composition of the Committee during the year. The number of meetings of the Committee, the attendance record of members during the year will also be disclosed in the Report.

Training

39. The ECITB will make resources available to provide Committee members with appropriate and timely training, in the form of a suitable induction process for new members and ongoing training as appropriate for existing members.

Conduct, Disqualification from Committee Membership and the removal of Committee Members

40. The same expectations for conduct as set out in the Code of Conduct for Staff and the Board apply to all members of the Committee.
41. A Committee member's membership of the Committee shall cease immediately if:
- he/she ceases to meet eligibility criteria to be a member of the Committee as provided for in these Terms of Reference; or
 - he/she becomes prohibited by law from being a director of a company or a trustee of a charity; or
 - he/she becomes bankrupt or makes any arrangement or composition with his/her creditors generally; or
 - he/she is, or may be, suffering from mental disorder; or
 - he/she resigns from membership of the Committee by notice to the Chair or to the secretary of the Committee.
 - he/she shall have been absent from Committee meetings for three consecutive meetings.
42. If the Chair reasonably judges or concludes that a member's performance as a member of the Committee is unacceptable or a member's conduct (including conflicts of interests) unacceptable, a member's membership of the Committee may be terminated by the Chair whose decision in relation to any member of the Committee shall be final and conclusive.