



# **UK ASBESTOS TRAINING ASSOCIATION**

## **POLICY**

### **AUDIT APPEALS**

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**AUDIT APPEALS**  
**POLICY**

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## DEFINITIONS

In this policy, unless the context otherwise requires:

**Association** means UK Asbestos Training Association Limited;

**Audit** means an objective examination and evaluation of an asbestos training course by an Auditor engaged by UKATA;

**Auditor** means an appointed individual responsible for evaluating the delivery and accuracy of an asbestos training course;

**Board** means the Board of Directors of the Association from time to time;

**Business Day** means any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;

**Director** or **Directors** means the directors for the time being of the Association or (as the context shall require) any of them acting as the Board;

**General Manager** means the General Manager of the Association or any other person appointed to perform the duties of the General Manager;

**Guidance** means codes of practice or other recommendation made by the Association which are supplemental to the Rules, but in the event of any conflict between the Guidance and the Rules, the Rules take precedence;

**Member** means an organisation, company, individual who has satisfied the criteria of membership;

**Policy** or **Policies** means a document which contains the Association's approach and requirements regarding the Rules;

**Rules** means these Rules of the Membership which govern membership;

**Sanctions** means the Sanctions which may be applied by the Association in the event of a breach of the Rules by a Member, which may include suspension from the Certificate Generator, suspension from membership or termination;

**Specification Document** means a formal document which sets out the compulsory requirements in terms of capabilities, appearance, and interactions with users for a product or service;

**Syllabus** or **Syllabi** means a document that communicates course information and defines expectations and responsibilities;

**UKATA** means UK Asbestos Training Association Limited;

## **INTRODUCTION**

1. An Audit appeals process is available to all Members following the decision made by UKATA on the outcome of an Audit.
2. The aim of this Policy is to provide a fair, consistent and structured process for our Members if they wish to appeal the Audit decision by UKATA.

## **WHAT IS AN APPEAL?**

3. An Audit appeal is a request for the reversal of an Audit decision.
4. The Member may appeal on the following grounds:
  - a) The Audit process and Auditor did not take full account of the evidence available;
  - b) The decision taken by UKATA is considered unreasonable;
  - c) The Member can take appropriate corrective action within a reasonable time to bring the training up to the required standard;
  - d) Any other reasonable grounds\*.

\*An appeal on the ground of unreasonableness will need to demonstrate that the information provided and/or delivered has been misinterpreted or has been given undue weight in the context of the Audit process or that the Auditor had failed to consider material evidence/facts in existence at the time of the Audit.

5. Members that are considering making an appeal accept that:
  - a) Events occurring after an Audit has taken place are not relevant to the findings at that Audit. For example, if a procedure was found not to be in effective operation at the time of the Audit, the fact that afterwards, it was in effective operation, is not relevant to the Audit findings; and
  - b) Appeals relating to events that have occurred after an Audit has taken place are not irrelevant. In some circumstances, they may be relevant to UKATA's decision e.g. as to the Sanction, if any, to be applied. However, in the absence of exceptional circumstances, representations solely that, if a new Audit was carried out, the Member would be found to be fully compliant, are unlikely to affect the decision made.

## **OUR COMMITMENT**

6. We are committed to:
  - a) Taking all Audit appeals seriously;
  - b) Following an open and transparent process;
  - c) Providing a timely and meaningful response;
  - d) Publicising the existence of our Audit Appeals Policy;
  - e) Reviewing our Audit Appeals Policy and procedures on a regular basis.

## **SUBMITTING AN APPEAL**

7. Members must submit their appeal in writing to the General Manager within fourteen calendar days of the Audit decision being made. The written appeal and any documentation in support should be submitted, along with the grounds for the appeal and reason why the decision is contested.
8. You are advised to read the Rules of Membership, Syllabi, Policies, Guidance and Specification Documents carefully.
9. Having considered the above, you may wish to submit an Audit appeal in writing and send to:

Craig Evans, General Manager  
UK Asbestos Training Association  
Markham Vale Environment Centre  
Markham Lane, Markham Vale  
Chesterfield, Derbyshire  
S44 5HY

10. This is our preferred method of communication for appeals. However, for the purpose of accessibility, if you have any reason why this method of communication is not suitable, please let us know so that reasonable adjustment can be made to aid your communication or improve access to our services.
11. Appeals will only be accepted:
  - a) If a written appeal is submitted within fourteen Business Days of UKATA communicating the outcome of the Audit;
  - b) If the appeal is submitted by the Member.

## **HOW WILL MY APPEAL BE HANDLED?**

12. All appeals are reviewed and investigated by the Board of Directors (a select committee made up of three Directors) and the outcome will be informed by the General Manager.
13. When dealing with appeals we will:
  - a) Log your appeal and assign a reference number;
  - b) Send an acknowledgement within three Business Days of receipt of your appeal;
  - c) Provide the Board of Directors response within ten Business Days of the acknowledgement date;
  - d) In all cases, communicate the outcome of your appeal to you.
14. The Board of Directors will:
  - a) Consider the appeal received from the Member;
  - b) Consider the Auditor's recommendation and basis for the quality concern(s);
  - c) Provide a written response to the General Manager within a period of ten Business Days of receipt of the appeal;
  - d) Provide feedback to the Auditor if a decision is overturned which may result in further action.

## **WHAT IF I AM STILL DISSATISFIED?**

15. The Board of Directors decision to either uphold or overturn the Audit decision will be deemed final and will not give rise to the opportunity of a further appeal or any right of review.
16. The activation of the appeals process will not impact upon the Member's eligibility to re-apply for membership of UKATA.

## **CONFIDENTIALITY**

17. All appeal information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.