

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
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**The Asbestos Removal Contractors Association**

## **RULES OF MEMBERSHIP**

**Revision 21**

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## Table of Contents

1. INTRODUCTION	2
2. GENERAL ARRANGEMENTS	2
3. APPLICATIONS FOR MEMBERSHIP	3
4. FULL CONTRACTING MEMBER	3
5. FULL MEMBER NON-CONTRACTING ATaC	10
6. ASSOCIATE MEMBER	11
7. ASSOCIATE MEMBER – LICENCE HOLDER	11
8. FULL MEMBER NON-CONTRACTING (ASSOCIATE)	12
9. LABOUR SUPPLY MEMBER	12
10. CORPORATE MEMBER	15
11. INFORMATION SERVICE MEMBER	15
12. SUBSCRIPTIONS AND FEES	15
13. TRAINING CREDITS	16
14. FOLLOWING ACCEPTANCE BY THE ASSOCIATION	16
15. USE OF LOGOS	17
16. MEMBERS IN RECEIPT OF ENFORCEMENT ACTION	18
17. COMPLAINTS PROCEDURE	19
18. DISCIPLINARY PROCEDURE	20
19. ARTICLES OF ASSOCIATION	20
APPENDIX A – MEMBERSHIP FEES	21
APPENDIX B – SITE AUDIT ACCREDITATION SCHEME FEES	22

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
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## 1. INTRODUCTION

### 1.1 Objectives of the Association

- To develop and promote professional, technical and ethical standards throughout the asbestos management sector.
- To provide the UK Health and Safety Executive (HSE) and the Republic of Ireland (ROI) Health and Safety Authority (HSA) with a respected body of knowledge and experience for consultation on new legislation and guidance.
- To provide a forum for the exchange of views between similar minds including HSE, HSA and the United Kingdom Accreditation Service (UKAS).
- To promote awareness of the asbestos risk to property owners, managers, employers, and to establish best practice in relation to identifying and managing risks from asbestos materials in their premises.
- To provide training schemes for professional and technical staff in the asbestos sector and for other interested parties in the property and construction sectors.
- To impart knowledge gained by member companies through many years of experience to ensure the effective management of asbestos materials.

1.2 The Asbestos Removal Contractors Association (ARCA) is a Trade Association for the asbestos management industry. These Rules of Membership set out the categories of membership available and the rules for application and continuing membership of the Association.

## 2. GENERAL ARRANGEMENTS

- 2.1 The Governing Council are responsible for approving the Rules of Membership and for initial approval to proceed with the processing of membership applications (other than Information Service Members).
- 2.2 The membership application process is managed by the Membership Compliance Manager. Once the Membership Compliance Manager is satisfied that an applicant has met all the requirements for membership, the company will be admitted into membership.
- 2.3 Site Audits and Office Audits carried out as part of the membership process or the Site Audit Accreditation Scheme are carried out by fully trained ARCA employees or independent ARCA appointed auditors.
- 2.4 Office Audits are assessed by the Association's Membership Compliance Manager, who will make the decision as to whether the audit is satisfactory or not.
- 2.5 The Membership Committee is responsible for the assessment of the site audit reports using a Standardised Marking Scheme to award the audit a grade.

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2.6 The membership application and maintenance procedures, as well as the Site Audit Accreditation Scheme, form part of the overall Quality Management System, which is ISO 9001:2015 accredited.

### 3. APPLICATIONS FOR MEMBERSHIP

3.1 All applicants for membership of ARCA shall have a maximum of 6 months to achieve membership. The six-month period commences on the date that the applicant's membership is accepted by the ARCA Governing Council to enable the application process to commence. It finishes on the date that the Membership Compliance Manager approves the completed application.

3.2 If the requirements for membership are not complied with within 6 months from the date that the applicant's membership application commences, the application for membership shall be deemed to have failed.

3.3 No application for membership shall be accepted without accompanying payment. If an application for membership is received without accompanying payment, the applicant shall be informed by email on the day that the application is received and be given 5 working days to provide the payment. If payment is not received after 5 days, the application will be returned to the applicant stating that if they wish to become ARCA members they will need to reapply.

### 4. FULL CONTRACTING MEMBER

4.1 Applications for membership are welcomed from

- Licensed asbestos removal companies in the UK, and asbestos removal companies in ROI, who have not previously been Full Contracting Members of ARCA.
- Licensed asbestos removal companies in the UK, and asbestos removal companies in ROI, who have previously been Full Contracting Members of ARCA, having previously surrendered their membership.
- Licensed asbestos removal companies in the UK, and asbestos removal companies in ROI, who have previously been Full Contracting Members of ARCA, having had their membership terminated for a breach of the Rules of Membership, or having surrendered or not renewed their membership whilst having outstanding site audit actions to complete, and having been out of membership for a time period of at least 6 months.
- For companies who have commenced trading under a new company number, with a management team which remains little changed from a previous company which operated as a licensed asbestos removal company (or asbestos removal company in ROI), which ceased trading, the time period out of membership shall be at least 12 months before a fresh application would be considered.

4.2 Applicants who have previously been Full Contracting Members of ARCA, and had their membership terminated due to poor performance, are required to achieve accreditation under the Site Audit Accreditation Scheme prior to acceptance into membership. This additional requirement is detailed in section 4.2.14 below.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
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- 4.2.1 Applicants for membership shall complete a membership application form (Form M1) and return it to ARCA with the following:
- A copy of the applicant’s current Licence to undertake work with asbestos, issued by the Health and Safety Executive (HSE) under the Control of Asbestos Regulations 2012, or an equivalent licence relevant to the country of operation. Applicants from ROI do not need to submit a licence as no licensing scheme operates in the ROI.
  - A copy of the applicant’s Health and Safety policy.
  - A copy of the applicant’s Certificate of Incorporation.
  - A copy of a typical site-specific plan of work (as required by current HSE/HSA guidance) for a contract that the applicant has completed, or is currently undertaking, or proposes to undertake.
  - A copy of the applicant’s insurance schedule detailing their cover regarding Employers and Public Liability insurance for work with asbestos. ARCA shall then contact the insurance provider to verify the information supplied.
  - The Registration Fee, which for this grade of membership is detailed in Appendix A, A1.1. The Registration Fee is non-refundable in the event of a failed membership application.
- 4.2.2 Once the above information has been supplied, approved and where appropriate verified, the plan of work shall be assessed by ARCA for compliance with the Control of Asbestos Regulations 2012 and associated HSE guidance, and its suitability for ARCA site audit purposes (using Form M3).
- 4.2.3 If the plan of work meets the criteria set down by ARCA, an office audit of the applicant’s management arrangements shall be conducted to verify that the applicant is operating in accordance with current asbestos legislation and guidance.
- 4.2.4 If the plan of work is found to be unsuitable for the purpose of membership, it shall be returned to the applicant company with a clear indication of the parts that were unsuitable. The applicant shall be invited to resubmit the plan of work, after amendment, or to submit another plan of work.
- 4.2.5 If the second plan of work is found to be unsuitable for the purposes of membership it shall be returned to the applicant company with a clear indication of the parts that were unsuitable. The membership application shall be deemed to have failed.
- 4.2.6 If the second plan of work meets the criteria set down by ARCA, an office audit of the applicant’s management arrangements shall be conducted to verify that the applicant company is operating in accordance with current asbestos legislation and guidance.
- 4.2.7 The ARCA Membership Compliance Manager, or nominee, shall make an appointment with the applicant for an office audit to be conducted.
- 4.2.8 The office audit procedures shall be carried out at the applicant’s head office, using the current version of the ARCA Office Audit Form (Form M4).
- 4.2.9 Should the Office Audit prove unsatisfactory, the Membership Compliance Manager shall draw up a list of recommendations that is considered would improve the

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applicant's management arrangements. These recommendations shall be forwarded to the applicant for action.

- 4.2.10 The applicant shall advise ARCA when the recommendations have been implemented, and the ARCA Membership Compliance Manager, or nominee, shall conduct a Follow-Up Office Audit to confirm that the recommendations have been implemented. The cost of this follow up office audit is to be paid in advance by the applicant at the rates detailed in Appendix B, B.3. If the follow up office audit reveals that the recommendations have not been satisfactorily implemented, the application for membership shall be deemed to have failed.
- 4.2.11 Following a satisfactory office audit, a site audit shall be conducted to assess the implementation of the company's management arrangements.
- 4.2.12 Any site audit(s) required by the application process shall be notified to ARCA using the current version of the Site Audit Request Form (Form M6), and shall meet the terms and conditions detailed therein. Sites notified for site audit purposes must fall within the scope of the licensing requirements of the Control of Asbestos Regulations 2012, i.e. the work must have been notified to the Enforcing Authority using an ASB5 form. In the case of sites notified for audit by applicants situated in ROI the work must have been notified to the Enforcing authority using the HSA Form 'Notification Form to be Used for Any Work Involving Asbestos'. The ARCA appointed auditor shall conduct the site audit using the current version of the Site Audit Form (Form M8, or Form M24 for ROI).
- 4.2.13 The Membership Committee is responsible for the assessment of the completed site audit form using the Standardised Marking Scheme (Form M9, or Form M29 for ROI).
- 4.2.14 The following arrangements will apply in accordance with the circumstances of application referred to in section 4.2 above:

<b>For applicants applying for membership for the first time, or reapplication (where previous termination of membership was not related to poor performance)</b>	<b>For applicants reapplying for membership following a period of non-membership due to poor performance</b>
<ul style="list-style-type: none"> <li>The applicant is required to complete an unannounced site audit.</li> </ul>	<ul style="list-style-type: none"> <li>Following an unannounced site audit, the applicant is required to complete a satisfactory office audit, the applicant is required to complete a further two satisfactory site audits. In order to complete the 3 satisfactory site audits, a maximum of 4 audits shall be carried out. As the application fee only covers the cost of one site audit, the applicant will need to make additional payment for the additional audits, defined as Non-Programmed Site Audits, costs as detailed in appendix B, B.1.</li> </ul>
<ul style="list-style-type: none"> <li>ARCA shall appoint an auditor to carry out the site audit and shall notify the auditor of the appointment.</li> </ul>	<ul style="list-style-type: none"> <li>ARCA shall appoint an auditor to carry out the site audit, ARCA shall notify the auditor of the appointment and site details.</li> </ul>
<ul style="list-style-type: none"> <li>Following the unannounced site audit, irrespective of whether it was</li> </ul>	<ul style="list-style-type: none"> <li>Following the unannounced site audit, irrespective of whether it was</li> </ul>

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satisfactory or not, the applicant is required to complete a satisfactory office audit.	satisfactory or not, the applicant is required to complete a satisfactory office audit.
<ul style="list-style-type: none"> <li>If the site audit was found to be unsatisfactory, ARCA shall advise the applicant at the office audit of the weaknesses identified and shall require the applicant to undergo a further unannounced site audit. The cost of this Non-Programmed Site Audit is to be paid by the applicant at the rates detailed in appendix B, B.1.</li> </ul>	<ul style="list-style-type: none"> <li>If the site audit was found to be unsatisfactory, ARCA shall advise the applicant at the office audit of the weaknesses identified and shall require the applicant to undergo a further unannounced site audit. The cost of this Non-Programmed Site Audit is to be paid by the applicant at the rates detailed in appendix B, B.1.</li> </ul>
<ul style="list-style-type: none"> <li>Should the further site audit again produce an unsatisfactory result, the application for membership shall be deemed to have failed.</li> </ul>	<ul style="list-style-type: none"> <li>Should more than one site audit produce an unsatisfactory result the application for membership shall be deemed to have failed. Completion of 3 successful site audits (in no more than 4 attempts) will qualify for accreditation under the Site Audit Accreditation Scheme.</li> </ul>

4.2.15 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.

4.2.16 On receipt of the annual subscription fee, a membership certificate shall be issued. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A1.

#### 4.3 SITE AUDIT ACCREDITATION SCHEME (SAAS) AUDIT PROCESS

4.3.1 It is a requirement of membership that all Full Contracting Members participate in the ARCA Site Audit Accreditation Scheme. The Scheme for each member will run in conjunction with their annual membership/subscription period.

4.3.2 All Full Contracting Members will be required to complete 3 satisfactory site audits per membership/subscription period. These are referred to as Programmed Site Audits.

4.3.3 The cost of Programmed Site Audits is included in the Annual Subscription Fee (see Appendix A, A1.2).

4.3.4 Programmed Site Audits for member companies based in England, Scotland or Wales will be arranged by ARCA using the information provided in the notification database supplied by the HSE. The member company will not be informed of the arrangement to audit the site.

4.3.5 For member companies based in Northern Ireland or ROI, requests for Programmed Site Audits shall be notified to ARCA using the current version of the Site Audit Request Form (Form M6) and shall meet the terms and conditions detailed therein. Sites notified for site audit purposes (from member companies in Northern Ireland) must fall within the scope of the licensing requirements of the Control of Asbestos Regulations 2012, i.e. the work must have been notified to the Enforcing Authority using an ASB5 form. In the case of sites notified for audit by companies situated in ROI the work must have

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REVISION NUMBER	<b>21</b>
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been notified to the Enforcing Authority using the HSA Form 'Notification Form to be Used for Any Work Involving Asbestos'.

- 4.3.6 ARCA shall appoint an auditor to carry out the site audit and shall notify the auditor of the appointment and site details. For member companies in Northern Ireland and ROI, ARCA shall also confirm the appointment with the member company and inform them of the name and contact number of the appointed auditor.
- 4.3.7 The auditor shall carry out the site audit using the current version of the ARCA Site Audit Form (Form M8, or Form M24 in ROI)
- 4.3.8 If a site audit report is found to be unsatisfactory (Grade F) ARCA shall advise the company of the weaknesses identified and shall require the company to produce an action plan (within 14 days of the request) on the proforma provided, and to agree a timescale with ARCA for the required actions to be completed. Following the agreed timescale, ARCA shall arrange a further site for site audit purposes (Non-Programmed Site Audit). For member companies in Northern Ireland or ROI, the member company will identify a further site for audit and request the site audit as outlined in 4.3.5 above.
- 4.3.9 If the member company fails to return the action plan within 14 days as referred to in 4.3.8 above, a further 7 days may be granted for the action plan to be returned. Failure to return the action plan after the additional 7 days will result in a recommendation to the Governing Council for termination of membership for failure to comply with the Rules of Membership.
- 4.3.10 In all cases, the company shall be liable for the full cost of a Non-Programmed Site Audit to replace an unsatisfactory site audit. The fees for a Non-Programmed Site Audit are detailed in Appendix B, B.1.
- 4.3.11 Should the further site audit again produce an unsatisfactory result the member shall be suspended from membership and be required to undergo an office audit as a result of non-compliance with the Site Audit Accreditation Scheme. Office audit procedures are detailed in section 4.5.
- 4.3.12 If the company provides a satisfactory further site audit, they shall continue their participation in the Site Audit Accreditation Scheme.
- 4.3.13 Satisfactory audits will be reported to the member company with the accompanying grade (Grades A to E), having been assessed in accordance with the Standardised Marking Scheme (Form M9, or Form M29 in ROI).
- 4.4 **SITE AUDITS GIVING RISE TO SERIOUS CONCERNS REGARDING STANDARDS OF WORK**
- 4.4.1 If, in the opinion of the Membership Committee, a site audit highlights serious concerns regarding the standards of work displayed by the member company, the committee may decide that the disciplinary procedure detailed in section 16 below will need to be applied.

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REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
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<b>UNCONTROLLED COPY IF PRINTED</b>	



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- 4.5 OFFICE AUDITS AS A RESULT OF NON-COMPLIANCE WITH THE SITE AUDIT ACCREDITATION SCHEME (SAAS)
- 4.5.1 Any company undergoing an office audit as a result of non-compliance with the SAAS shall have a maximum of 3 months from the date of suspension to comply with the following requirements. Should the company concerned not comply with the following requirements within 3 months, they shall be referred to the ARCA Governing Council with a recommendation that their membership of ARCA be terminated.
- 4.5.2 The company shall be notified by ARCA that they are required to undergo an office audit. The company shall be given 14 days to confirm their agreement to undergo the office audit procedure. Non-acceptance of the office audit procedure, or no response, will result in the company being referred to the ARCA Governing Council with a recommendation that their membership of ARCA be terminated. The company shall pay the office audit fee in advance of the office audit. The current fee for an office audit is given in Appendix B, B.2.
- 4.5.3 If the Office Audit is satisfactory, the company shall be subject to a further site audit to replace the unsatisfactory site audits and pay the full price for this Non-Programmed Site Audit as detailed in Appendix B, B.1. The site audit must be carried out successfully at the first attempt as there is no provision for repeating unsuccessful audits.
- 4.5.4 If the Office Audit is unsatisfactory the auditor shall compile a list of recommendations which shall be provided to the company concerned. Once the company concerned has confirmed to ARCA that they have implemented the recommendations, ARCA will arrange for an auditor to visit the company to carry out a Follow-Up Office Audit. The company shall pay the fee for the Follow-Up Office Audit prior to the audit being carried out. The fee for the Follow-Up Office Audit is detailed in Appendix B, B.3.
- 4.5.5 Should the ARCA auditor confirm that the recommendations referred to in 4.5.4 above have been complied with, the company concerned shall be subject to a further site audit and pay the full price for the Non-Programmed Site Audit as detailed in appendix B, B.1. The site audit must be carried out successfully at the first attempt as there is no provision for repeating unsuccessful audits.
- 4.5.6 Once the office audit and the site audit have been carried out satisfactorily the company concerned shall have its membership suspension lifted.
- 4.5.7 Should the company fail to comply with the above requirements, they shall be referred to the ARCA Governing Council with a recommendation that their membership of ARCA be terminated. Any such company may reapply for membership after 6 months from the date of their membership termination following the membership application procedure referred to in paragraph 4.1.
- 4.5.8 Any company being referred for more than 2 office audits within any 3-year period shall be referred to the ARCA Governing Council with a recommendation that their membership of ARCA be terminated. Any such company may reapply for membership after 6 months from the date of their membership termination following the membership application procedure referred to in paragraph 4.1.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
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4.6 FULL CONTRACTING MEMBERS AND USE OF THE ASBESTOS LABOUR FEEDBACK APP (ALFA)

4.6.1 It is a requirement of membership that all Full Contracting Members utilise the Asbestos Labour Feedback App (ALFA) for all short-term operatives sourced via a labour agency and put to work on licensed asbestos removal work. Utilising ALFA includes:

- 4.6.1.1 Hiring the labour from a Labour agency which is a Labour Supply Member of ARCA
- 4.6.1.2 Rating the short-term operatives in accordance with the requirements of ALFA.

**Rating Timeline**

Day	Time Period	Action
1	5 days	Rating requested from supervisor
3		If rating not completed by supervisor after 48 hours, Client Contact (usually Contract Manager) notified and either ensures the supervisor completes the rating or it is done by the Client Contact
5		If the outstanding ratings still not completed after a further 48 hours, the member company is suspended from ALFA and the Escalation user is notified. The escalation user is responsible for ensuring the outstanding ratings are completed by the Client Contact or the Supervisor. The ALFA suspension will be lifted as soon as the outstanding ratings are completed.
19	14 days	If the outstanding ratings are still not completed, the member company will be suspended from ARCA membership. The suspension from ARCA and ALFA will be lifted as soon as the ratings are completed.
33	14 days	If the outstanding ratings are still not completed, the member company will be referred to the ARCA Governing Council for action under the disciplinary procedure (Section 18 of the Rules of Membership)

4.6.2 ARCA will monitor the use of ALFA by Full Contracting Members to ensure that the requirements 4.6.1.1. and 4.6.1.2 are being met. The primary method of monitoring 4.6.1.1 will be by auditing during ARCA site audits, and compliance with 4.6.1.2 will be audited by monitoring the completion of the ratings in ALFA.

4.6.3 Should a Full Contracting Member be identified as using short-term labour which has not been sourced from an ARCA Labour Supply Member, the Full Contracting Member shall be written to explaining their obligations under the ARCA Rules of Membership with regards to the use of ALFA, and that full compliance with the ARCA Rules of Membership is expected in the future.

4.6.4 If following written communication, as described in 4.6.3, a Full Contracting Member is identified to be using short-term labour which has not been sourced from an ARCA Labour Supply Member, within 6 months of the communication sent in accordance with 4.6.3, the Full Contracting Member shall be written to again. This communication will remind the Full Contracting Member of the content of the previous communication and explain that a further breach of the ARCA Rules of Membership in relation to the use of ALFA will result in the disciplinary procedure detailed in section 18, being implemented, which could ultimately result in a recommendation to the ARCA Governing Council for termination of membership.

4.6.5 If following the written communication as described in 4.6.4, a Full Contracting Member is identified to be using short-term labour which has not been sourced from an ARCA Labour Supply Member, within 12 months since the communication sent in

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
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accordance with 4.6.4, the Full Contracting Member shall be written to again to inform them that as a result of non-compliance with 4.6.1, the disciplinary procedure detailed in section 18 is being implemented, which could ultimately result in a recommendation to the ARCA Governing Council for termination of membership.

- 4.6.6 Any Full Contracting Member being suspended from ALFA (as result of not following the rating procedure timeline) for 7 days shall be contacted by phone, and followed up with an email, to remind them of their obligations and that in a further 7 days their ARCA membership will be suspended unless all outstanding ratings are completed.
- 4.6.7 Should a Full Contracting Member be suspended from ALFA for 14 days they shall have their ARCA membership suspended and be written to informing them that their ARCA membership has been suspended.
- 4.6.8 Any Full Contracting Member being suspended from ALFA (a result of not following the rating procedure timeline) for more than 28 days shall be written to and informed that as a result of non-compliance with 4.6.1, the disciplinary procedure detailed in section 18, is being implemented, which could ultimately result in a recommendation to the ARCA Governing Council for termination of membership.

## 5. FULL MEMBER NON-CONTRACTING ATaC

- 5.1 Applicants for membership, who must be asbestos testing or consulting companies, shall complete a membership application form (Form M1) and return it to ARCA with the following:
  - A copy of the applicants UKAS accreditation schedule(s) for the full range of services offered with a minimum accreditation requirement to ISO 17025 for asbestos testing services and ISO 17020 for asbestos inspection services. Applicants from ROI must be accredited by either UKAS or the Irish National Accreditation Board (INAB) for the full range of services offered with a minimum accreditation requirement of ISO 17025 for asbestos testing services and ISO 17020 for asbestos inspection services.
  - A copy of the applicant's insurance schedule detailing their cover regarding Employers and Public Liability insurance for work with asbestos and Professional Indemnity insurance where the applicant is UKAS accredited to ISO 17020 for carrying out asbestos surveys. ARCA shall then contact the insurance provider to verify the information supplied.
  - The Registration Fee for this grade of membership is detailed in Appendix A, A.2.1. The registration Fee is non-refundable in the event of a failed membership application.
- 5.2 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 5.3 On receipt of the Annual Subscription Fee, a membership certificate shall be issued. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A.2.2.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
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## 6. ASSOCIATE MEMBER

- 6.1 Applicants for membership shall either be companies providing an industry related service to Full Contracting Members, or asbestos removal companies based outside of the UK, Channel Islands and ROI. Scaffolding or equipment maintenance companies will need to apply for the membership category of Associate Member – Licence Holder, as detailed in section 7 below.
- 6.2 Applicants shall complete a membership application form (Form M1) and return it to ARCA. The Registration Fee for this grade of membership is detailed in Appendix A, A.3.1. The Registration Fee is non-refundable in the event of a failed membership application.
- 6.3 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 6.4 On receipt of the annual subscription fee, a membership certificate shall be issued. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A.3.2.

## 7. ASSOCIATE MEMBER – LICENCE HOLDER

- 7.1 Applicants for membership shall be scaffolding or equipment maintenance companies, licensed by the HSE under the Control of Asbestos Regulations 2012. Applicants shall complete a membership application form (Form M1) and return it to ARCA with the following:
- A copy of their licence.
  - A copy of their company's insurance schedule detailing their cover regarding Employers and Public Liability insurance for work with asbestos. ARCA shall then contact the insurance provider to verify the information supplied.
  - The Registration Fee for this grade of membership as detailed in Appendix A, A.4.1. The Registration Fee is non-refundable in the event of a failed membership application.
- 7.2 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 7.3 On receipt of the annual subscription fee, a membership certificate shall be issued. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A.4.2.
- 7.4 The annual subscription fee includes the cost of an annual audit. For licensed scaffolders, this will be by arrangement at a site where licensed scaffolding work is being undertaken. For licensed equipment maintenance companies, this will be by arrangement at the company's equipment maintenance facility.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



## 8. FULL MEMBER NON-CONTRACTING (ASSOCIATE)

8.1. This grade of membership is available to companies qualifying for Associate Membership by paying full subscriptions, having met the criteria for Associate membership. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A.5.2.

## 9. LABOUR SUPPLY MEMBER

### 9.1 APPLICATION PROCESS

9.1.1 Applications for membership are invited from labour supply organisations who can demonstrate a desire to further the objectives of the Association. Successful applicants will need to demonstrate that they are leaders in the field, coordinating temporary asbestos labour to the highest industry standards.

9.1.2 Applicants for membership shall complete a membership application form (Form M1) and return it to ARCA with the following:

- Evidence that the applicant has been supplying asbestos operative labour to HSE licensed asbestos removal contractors for at least 6 months
- Evidence that the applicant is a member of the Recruitment and Employment Confederation (REC).
- a copy of the applicant's Certificate of Incorporation
- full details of relevant (Director or Senior Manager) asbestos related training.
- contact name and address of not less than 5 referees who are current HSE licensed asbestos removal contractors
- a signed agreement that the company work in accordance with the Conduct of Employment Agencies and Employment Businesses Regulations 2003
- a copy of the applicant's Health and Safety policy
- the Registration Fee for this grade of membership as detailed in Appendix A, A.6.1. The Registration Fee is non-refundable in the event of a failed membership application.

9.1.3 Once the above information has been supplied, approved and where appropriate verified, an office audit of the applicant's procedures and competencies shall be arranged to verify that the applicant is conversant with relevant asbestos legislation and, in particular, requirements with regard to training, competency and labour supply.

9.1.4 The ARCA Membership Compliance Manager, or nominee, shall make an appointment with the applicant for an office audit to be conducted.

9.1.5 The office audit procedure shall be carried out at the applicant's head office, using the current version of the ARCA Labour Supply Office Audit Form (Form M28).

9.1.6 Should the Office Audit prove unsatisfactory; the Membership Compliance Manager shall draw up a list of recommendations that is considered would improve the applicant's procedures or management processes. These recommendations shall be forwarded to the applicant for action.

9.1.7 The applicant shall advise ARCA when the recommendations have been implemented,

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



and the ARCA Membership Compliance Manager, or nominee, shall conduct a Follow-Up Office Audit to confirm that the recommendations have been implemented. The cost of this follow up audit is to be paid in advance by the applicant at the rates detailed in Appendix B, B.3.

- 9.1.8 If the follow up office audit reveals that the recommendations have not been satisfactorily implemented, the application for membership shall be deemed to have failed.
- 9.1.9 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 9.1.10 On receipt of the annual subscription fee, a membership certificate shall be issued. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A.6.2
- 9.1.11 If improvements are recommended, the company will be required to implement corrective action and advise ARCA in writing, within one month, that the improvements have been made.
- 9.1.12 Should the recommendations for improvement not be addressed, or not addressed to a satisfactory standard, the Labour Supply Member will not be invited to renew their membership. A fresh application for membership may be made not less than 6 months from the date of termination of membership.
- 9.1.13 Whilst members of ARCA, Labour supply members are required to comply with the following in order to maintain membership.
- 2 successful programmed office audits must be completed within the membership year
  - At least 1 Director of the Labour Agency to attend the ARCA Licensed Contract Manager or Licensed Contact Manager Update training course, as appropriate, within each membership year
  - REC Membership must be maintained (unless in the first year of membership where the member is working towards REC membership)
  - Complete an ARCA Labour Agency Online Compliance Test (when available) in each membership year (One contact per organisation taking test – the designated Compliance Contact)
  - Utilise the Asbestos Labour Feedback App (ALFA) to assign all labour supplied to ARCA Full (Contracting) Member members who are registered on the App as LARC members of ALFA.
- 9.1.14 Should a Labour Agency fail an office audit their membership shall be suspended. ARCA will work with the agency to produce an action plan to identify where improvements need to be made. The agency shall have three months to implement the action plan at which point ARCA will conduct a follow up audit to confirm the action plan has been complied with. The cost of this follow up audit is to be paid in advance by the Labour Agency member at the rates detailed in Appendix B, B.3. If the action plan has been complied with the Labour Agency's membership suspension will be lifted. If the action plan has not been complied with, ARCA shall recommend to the ARCA Governing Council that the Labour Agency's membership is terminated.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



9.2 LABOUR SUPPLY MEMBERS AND USE OF THE ASBESTOS LABOUR FEEDBACK APP (ALFA)

9.2.1 It is a requirement of membership that all Labour Supply Members utilise the Asbestos Labour Feedback App (ALFA) for all short-term operatives provided to ARCA Full Contracting Members and are put to work on licensed asbestos removal work. Utilising ALFA includes:

- only providing (assigning) short-term operatives to ARCA Full Contracting Members, who are registered in ALFA and hold current mandatory certification.
- Assigning the short-term operatives in ALFA for the duration of the contracted period.

9.2.2 ARCA will monitor the use of ALFA by Labour Supply Members to ensure that the requirements in 9.2.1 are being met. The primary method of monitoring will be by auditing during ARCA site audits, to establish whether short-term operatives sourced from Labour Supply Members are being used, and that they have been assigned to the job using ALFA.

9.2.3 Should a Labour Supply Member be identified as providing short-term labour to an ARCA Full Contracting Member which has not been assigned to that job in ALFA, the Labour Supply Member shall be written to explaining their obligations under the ARCA Rules of Membership with regards to the use of ALFA, and that full compliance with the ARCA Rules of Membership is expected in the future.

9.2.4 If following the written communication as described in 9.2.3, a Labour Supply Member is identified as providing short-term labour to an ARCA Full Contracting Member which has not been assigned to the job on ALFA, within 6 months of the communication sent in accordance with 9.2.3, the Labour Supply Member shall be written to again. This communication will remind them of the content of the previous communication and explain that a further breach of the ARCA Rules of Membership, in relation to the use of ALFA, within the next 12 months will result in the disciplinary procedure, detailed in section 18, being implemented, which could ultimately result in a recommendation to the ARCA Governing Council for termination of membership.

9.2.5 If following the written communication as described in 9.2.4, a Labour Supply Member is identified to be providing short-term labour to an ARCA Full Contracting Member which has not been assigned to the job on ALFA, within 12 months of the communication sent in accordance with 9.2.4, the Labour Agency shall be written to again informing them that as a result of non-compliance with 4.6.1, the disciplinary procedure detailed in section 18, is being implemented, which could ultimately result in a recommendation to the ARCA Governing Council for termination of membership.

9.3 OBLIGATIONS ON LABOUR SUPPLY MEMBERS WITH REGARDS TO FULL CONTRACTING MEMBERS

9.3.1 If a Labour Supply Member is asked to provide short-term labour to an ARCA Full Contracting Member who is not active on ALFA, or has specifically asked not to utilise ALFA when hiring short-term labour, the Labour Supply Member shall report the incident to the ARCA Chief Executive in a timely manner.

9.3.2 If the ARCA Chief Executive is contacted in relation to the circumstances described in 9.3.1 the ARCA Full Contracting Member shall be written to explaining their obligations under the ARCA Rules of Membership with regards to the use of ALFA,

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



and that full compliance with the ARCA Rules of Membership is expected in the future.

9.3.3 If, following the written communication as described in 9.3.2, the Full Contracting Member is reported again, in relation to the circumstances described in rule 9.3.1, within 12 months of the communication sent in accordance with 9.3.2, the Full Contracting Member shall be written to again informing them that as a result of non-compliance with 4.6.1 the disciplinary procedure is being implemented, which could ultimately result in a recommendation to the ARCA Governing Council for termination of membership.

## **10. CORPORATE MEMBER**

10.1. Applicants for membership, who must be companies or organisations involved in building, construction or property, or be local authorities, or be a trade association whose members are involved in building, construction or property, shall complete a membership application form (Form M1) and return it to ARCA with the following:-

- Evidence to support qualification for the above grade of membership
- The Registration fee for this grade of membership as detailed in Appendix A, A.7.1. The Registration fee is non-refundable in the event of a failed membership application.

10.2 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.

10.3 On receipt of the Annual Subscription fee, a membership certificate shall be issued. The Annual Subscription fee for this grade of membership is detailed in Appendix A, A.7.2.

## **11. INFORMATION SERVICE MEMBER**

11.1. Applicants for membership must be companies who do not meet the requirements of any other grade of membership. Applicants for membership shall complete a membership application form (Form M1) and return it to ARCA including the Annual Subscription Fee. The Annual Subscription Fee for this grade of membership is detailed in Appendix A, A.8.2.

## **12. SUBSCRIPTION AND FEES**

12.1. Subscriptions and fees are set by the ARCA Governing Council and are detailed in Appendices A and B.

12.2. Annual Subscriptions shall become due for payment in full on appointment to membership, and at the annual membership renewal date.

12.3. Members who fail to renew their Annual Subscription within three months following the due date shall be referred to the Governing Council with a recommendation that their membership be terminated.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



- 12.4. Any member wishing to resign from ARCA shall give notice in writing to ARCA, and membership shall expire on receipt of the notice within the ARCA office. No refund of subscriptions shall be made in these instances, other than the use of remaining training credits up until what would have been the membership expiry date.
- 12.5. Any member who has their membership terminated by ARCA as a result of non-compliance with the rules, or for disciplinary purposes, shall not receive a refund of subscriptions in these instances, other than the use of the remaining training credits up until what would have been the membership expiry date.

### **13. TRAINING CREDITS**

- 13.1 Training credits are paid as part of the annual membership subscriptions of certain membership categories, those categories and the amount of training credits are identified in Appendix A.
- 13.2 Training credits may be used by members paying the credits for payment or part payment for any ARCA training, qualifications, audits or membership services. Training credits cannot be used as payment or part payment for any social events including the AGM or the internal audit app.

### **14. FOLLOWING ACCEPTANCE BY THE ASSOCIATION**

- 14.1. All Full Contracting and Full Non-Contracting (ATaC) Members, as well as Associate Member – Licence Holders, are required to provide ARCA with:
- a copy of their current licence (where applicable) within 1 month following licence renewal.
  - A copy of their current UKAS accreditations (where applicable) within 1 month following reaccreditation.
  - a copy of their current insurance schedule within 1 month of insurance renewal, and shall maintain insurance cover for the total period of membership
  - a completed annual declaration statement within 1 month of it being requested
- 14.2. The following categories of membership qualify for voting rights as detailed in the Articles of Association.
- Full Contracting
  - Full Non-Contracting (Associate)
  - Full Non-Contracting (ATaC)
- 14.3. Only members permitted to use the ARCA or ATaC logos (see section 15) are permitted to advertise in any ARCA or ATaC publications or on the ARCA or ATaC websites.
- 14.4. Full Contracting Members and Full Non-Contracting ATaC Members notifying the Association of a change of company name through a Certificate of Incorporation on Change of Name, shall have their membership details updated and shall automatically retain their membership status.
- 14.5. Full Contracting Members and Full Non-Contracting ATaC Members notifying the Association of a change of company name through a Certificate of Incorporation bearing a new company number, shall be considered as a new company, and a new application for membership shall be required. However, in situations where the HSE

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



has transferred the unexpired term of the old company's licence to the new company, the Governing Council may approve the transfer of ARCA membership to the newly formed company.

- 14.6. The Governing Council may approve continuous membership where it is clear and evidenced that a new company is a wholly owned subsidiary of the original member company (which is still trading) due to a restructuring of the original company or group, where senior management remains essentially the same.
- 14.7. When licensed asbestos removal work is carried out under a Full Contracting ARCA member's HSE asbestos licence which utilises short term operative labour supplied by a labour agency, all such agency labour shall be supplied by a Labour Agency member of ARCA and shall be registered on the Asbestos Labour Feedback app (ALFA), assigned and allocated to jobs via the ALFA app and rated in accordance with the requirements of the ALFA app.
- 14.8. From time to time the ARCA Governing Council may set certain expectations which members will be expected to meet, and these expectations will be clearly communicated to the members concerned. Members concerned will be advised that the expectation(s) is/are being set in accordance with rule 14.8 of the ARCA Rules of Membership and non-achievement of the expectation will lead to disciplinary action in accordance with section 18 of the ARCA Rules of Membership, ultimately this can include termination of membership.

## 15. USE OF LOGOS

- 15.1 The ARCA and ATaC Logos are collective marks. A collective Mark distinguishes the goods and services of members of the Association, which is the proprietor of the Mark, from those of other undertakings. Paragraphs 15.2 - 15.7 detail the circumstances and way the ARCA and ATaC Logos may be used.
- 15.2 All Full (Contracting) members, Full Non-Contracting (Associate) members, Associate members, Labour Supply members and Corporate members of the Asbestos Removal Contractors Association (ARCA) are authorised to use the ARCA logo, subject to the requirements of these Rules of Membership. A list of all current UK members of the Association can be accessed at [www.arca.org.uk](http://www.arca.org.uk) and a list of all current ROI members of the Association can be accessed at [www.arca.ie](http://www.arca.ie)
- 15.3 All Full Non-Contracting (ATaC) members of the Asbestos Testing and Consulting Division of ARCA (ATaC), are authorised to use the ATaC logo, subject to the requirements of these Rules of Membership. A list of all current members of the Division can be accessed at [www.atac.org.uk](http://www.atac.org.uk)
- 15.4 Information Service members are not permitted to use either the ARCA or ATaC logos.
- 15.5 The conditions of membership of ARCA are detailed in Section 4 of these Rules of Membership. The conditions of membership of ATaC are detailed in Section 5 of these Rules of Membership.
- 15.6 It is a condition of use that the Mark may not be used in a manner likely to be taken as indicating that the member using the Mark is an Agent of the Association.
- 15.7 It is a condition of use that the Mark may not be used in a manner more prominent than the name or trading style of the member using the Mark.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



- 15.8 Any member found to be using the ARCA or ATaC logo in contravention of these Rules of Membership will be referred to the Governing Council, who will decide upon what action to take. Depending upon the severity of the misuse of the logo, the Governing Council may impose any sanction it feels appropriate, ranging from requiring the member to rectify any misuse of the ARCA or ATaC logo, and to demonstrate that this has been done, to expulsion from the Association.
- 15.9 Members carrying out in house training or providing third party training are not permitted to use the ARCA or ATaC logo on any training certificates issued.
- 15.10 Legal action is taken against non-members who use the ARCA or ATaC logos.

**16. MEMBERS IN RECEIPT OF ENFORCEMENT ACTION FROM THE HEALTH AND SAFETY EXECUTIVE (HSE), HEALTH AND SAFETY AUTHORITY (HSA – ROI ONLY) LOCAL AUTHORITIES (LA's) OR THE UNITED KINGDOM ACCREDITATION SERVICE (UKAS)**

- 16.1. Any member served with any Prohibition Notice or Improvement Notice under the Control of Asbestos Regulations 2012, (or Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 in ROI) or any other regulations relating to work with asbestos being undertaken / to be undertaken, or any Prohibition Notice or Improvement Notice served under the Health and Safety at Work etc. Act 1974, (or the Safety, Health and Welfare at Work Act 2005 in ROI) or any other regulations made thereunder in relation to asbestos works, are required to report the enforcement action to ARCA in writing within 5 working days of the notice being served, regardless of any intention to appeal. The reporting in writing of the receipt of any Prohibition Notice or Improvement Notice may either be by letter or by email, should include a copy of the said notice, and should be marked for the attention of the Membership Compliance Manager.
- 16.2. Any member notified of an intended prosecution for any asbestos related offence must report this to ARCA in writing within 5 working days of being notified. The reporting in writing of an intended prosecution may either be by letter or by email and should be marked for the attention of the Membership Compliance Manager.
- 16.3. ARCA will regularly check the HSE databases and other sources in order to identify whether any members have been subject to enforcement notices or prosecutions, or who no longer hold a licence.
- 16.4. Under Rule 5.1 ATaC members must hold UKAS accreditation for the full range of services offered (unless the conditions in 5.1 apply to members in ROI). ATaC members who have any of their UKAS accreditations suspended or withdrawn (Accreditation to ISO 17025 in relation to asbestos testing or ISO 17020 in relation to asbestos inspection body status) are required to report the fact to ARCA in writing within 5 working days of being notified. In addition, ARCA will regularly check the UKAS website in order to identify whether any members have had their UKAS accreditations withdrawn or suspended. Failure to notify ARCA of withdrawal or suspension of UKAS accreditations will result in suspension from ATaC membership. The suspended company will be subject to an investigation of the circumstances leading to the withdrawal or suspension of UKAS accreditations and the recipient's intended remedial actions. The suspension from ATaC will remain until satisfactory remedial actions have been implemented.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



- 16.5. Any member who has their licence refused, revoked or amended (including a reduction in licence term), or whose licence has any non-standard conditions added, are to inform ARCA of the changes within 5 working days of being informed by the HSE. Similarly, should a member company surrender their licence, ARCA are to be informed within 5 working days. Any member being subject to licence revocation or surrender will be in breach of the Rules of Membership and shall have their membership terminated.
- 16.6. Any member subject to licence refusal, whether conditional or outright, will be automatically suspended from ARCA, and shall be contacted by the Membership Compliance Manager to discuss appropriate remedial actions or support that may be required. The suspended member shall be allowed a maximum of 3 months between expiry of licence to issue of renewed licence for continuation of membership. A period of greater than 3 months without a licence will be considered as a breach of the Rules of Membership and result in termination of membership. Members regaining their licence within 3 months following licence refusal will be subject to an ARCA office audit and/or a series of additional site audits 5 to 7 months after regaining their licence, commensurate with the issues raised at licence assessment, chargeable at the rates detailed in Appendix B, B.1 and B.2.
- 16.7. Any member subject to any action detailed in 16.1, 16.2, 16.4 or 16.5 above will be subject to an investigation of the circumstances leading to the enforcement or accreditator's actions, and the recipient's intended remedial actions.
- 16.8. In all instances with reference to 16.7 above, the Membership Compliance Manager or nominee, under the direction of the ARCA Chief Executive, will meet with a company representative (Director) to determine any further actions that may be required for continued membership of the Association. Recommended actions are to be discussed with, and approved by, the ARCA Chief Executive, and communicated to the member with timescales for compliance. Failure to comply with the required actions will result in a referral to the Governing Council, who will decide upon what action to take, and which may include termination of membership.
- 16.9. Any patterns of poor performance are a serious matter, and shall be thoroughly investigated, and may result in a recommendation to the Governing Council for termination of membership.

## **17. COMPLAINTS PROCEDURE**

- 17.1. Any complaint regarding the conduct of any ARCA or ATaC member shall be investigated on receipt of written details of the complaint.
- 17.2. On receipt of the written complaint, ARCA shall record the details of the complaint in the Non-Conformance Register. Details of the complaint shall be forwarded to the ARCA member concerned, along with a request for the member's explanation as to their interpretation of the reason for the complaint.
- 17.3. If after investigation by the ARCA Chief Executive, or his nominee, the ARCA member is believed to be at fault, disciplinary action may be taken as detailed in section 18.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	



## 18. DISCIPLINARY PROCEDURE

- 18.1. Matters of discipline shall be referred to the ARCA Chief Executive, who shall oversee such matters.
- 18.2. Options available in dealing with disciplinary matters include an office audit process, additional site audits, suspension of membership or ultimately a recommendation to Governing Council for termination of membership. The cost of additional audits will be paid by the member and shall be in accordance with the fees detailed in B1 and B2 in Appendix B below.
- 18.3. Any company disagreeing with, and refusing to comply with, the disciplinary requirements have a right of appeal to the ARCA Governing Council. The Governing Council shall review the appeal and shall have the option of upholding the original disciplinary requirements or amending the disciplinary requirements as may be considered appropriate. The resulting decision of the Governing Council shall be final.
- 18.4. If a member is suspended from ARCA, the following shall apply: -
- The company details shall be temporarily removed from the ARCA website for the suspension period and no refund made for any suspension of existing advertisements.
  - During the period of suspension, the company shall not be allowed to attend any ARCA meetings and/or social events.
  - No refund shall be made for subscription payments.
  - The company shall not be allowed to advertise in any ARCA publications during the period of suspension.
  - The company shall not be asked to remove the ARCA or ATaC Logo during the period of suspension unless this ultimately leads to the termination of their membership.
- 18.5. The Membership Compliance Manager has authority to suspend members for failure to comply with the Rules of Membership. The Membership Compliance Manager also has authority to lift such suspensions following compliance with all conditions related to such suspensions.
- 18.6. Should the Membership Compliance Manager consider that termination of membership is required due to non-compliance with the Rules of Membership, the Membership Compliance Manager shall recommend this to the Governing Council for approval.

## 19. ARTICLES OF ASSOCIATION

- 19.1. The Articles of Association shall always take precedent if found to conflict with the Rules of Membership. Copies of the Articles of Association are available on request.
- 19.2. Article 11 of the Articles of Association gives the Governing Council the right to reject any application for membership without them being required to give a reason for their decision.

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	




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## APPENDIX A – MEMBERSHIP FEES

### A.1 Full Member Contracting

A.1.1	Registration Fee	£1100.00
A.1.2	Annual Subscription Fee (includes £1,300.00 of training credits and 3 programmed unannounced Site audits)	£3225.00

### A.2 Full Member Non-Contracting ATaC Member

A.2.1	Registration Fee	£100.00
A.2.2	Annual Subscription Fee (Includes £700.00 of ATaC training credits)	£1100.00

### A.3 Associate Member

A.3.1	Registration Fee	£100.00
A.3.2	Annual Subscription Fee	£600.00

### A.4 Associate Member – Licence Holder

A.4.1	Registration Fee	£100.00
A.4.2	Annual Subscription Fee (Includes annual audit)	£875.00

### A.5 Full Member Non-Contracting Associate

A.5.1	Registration Fee	£100.00
A.5.2	Annual Subscription Fee (For Associate Member Licence Holders)	£1100.00 £1375.00

### A.6 Labour Supply Member

A.6.1	Registration Fee	£600.00
A.6.1	Annual Subscription Fee (Includes £1,300.00 of ARCA training credits)	£2950.00

### A.7 Corporate Member

A.7.1	Registration Fee	£100.00
A.7.2	Annual Subscription Fee	£350.00

DOCUMENT TITLE	<b>RULES OF MEMBERSHIP</b>
REVISION NUMBER	<b>21</b>
DATE OF ISSUE	<b>1<sup>st</sup> April 2021</b>
CONTROLLED COPY NO.	<b>UNCONTROLLED</b>
<b>UNCONTROLLED COPY IF PRINTED</b>	




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**A.8 Information Service Member**

A.8.1	Registration Fee	No Charge
A.8.2	Annual Subscription Fee	£195.00

**All fees quoted are in GBP and exclude VAT. VAT must be added (at the current UK rate) to all fees when making payment.**

**APPENDIX B – SITE AUDIT ACCREDITATION SCHEME FEES**

B.1	Non-Programmed Site Audit Fee	£275.00
B.2	Office Audit Fee	£500.00
B.3	Follow-Up Office Audit Fee	£275.00

**All fees quoted are in GBP and exclude VAT. VAT must be added (at the current UK rate) to all fees when making payment.**