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## **The Asbestos Removal Contractors Association**

# **RULES OF MEMBERSHIP**

**Revision 17**

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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.
- 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 are responsible for the assessment of the site audit reports using a model marking sheet 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 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 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.
- 3.4 Decisions regarding failed site audits can only be made following consultation with, and with the approval of, the Membership Committee.
- 3.5 Should the Membership Compliance Manager be of the opinion 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.

### 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, 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.

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- 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.
- 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 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 in regard to its 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 procedures shall be arranged to verify that the applicant is operating in accordance with current asbestos legislation.
- 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 procedures shall be arranged to verify that the applicant company is operating in accordance with current asbestos legislation.
- 4.2.7 The ARCA Membership Compliance Manager, or nominee, shall make an appointment with the applicant for an office audit to be conducted.

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- 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 applicant's procedures or management processes. 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.
- 4.2.11 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.
- 4.2.12 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 shall be responsible for the assessment of the completed site audit form using the Model Marking Sheet (Form M9).
- 4.2.14 The following arrangements will apply in accordance with the circumstances of application referred to in section 4.1 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>Following a satisfactory office audit, the applicant is required to complete one satisfactory site audit.</li> </ul>       | <ul style="list-style-type: none"> <li>Following a satisfactory office audit, the applicant is required to complete three satisfactory site audits. In order to complete 3 satisfactory 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 an 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, shall notify the auditor of the appointment and</li> </ul>      | <ul style="list-style-type: none"> <li>ARCA shall appoint an auditor to carry out the site audit, shall notify the auditor of the appointment and</li> </ul>  |

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| <p>site details, and notify the applicant of a contact number for the auditor.</p> <ul style="list-style-type: none"> <li>If the site audit report is found to be unsatisfactory, ARCA shall advise the applicant of the weaknesses identified and shall require the applicant to identify a further site for audit purposes, using Form M6. 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> <li>Should the further site audit again produce an unsatisfactory result, the application for membership shall be deemed to have failed.</li> </ul> | <p>site details, and notify the applicant of a contact number for the auditor.</p> <ul style="list-style-type: none"> <li>If a site audit report is found to be unsatisfactory ARCA shall advise the applicant of the weaknesses identified and shall require the applicant to identify a further site for site audit purposes using Form M6.</li> <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 2 satisfactory site audits per membership/subscription period. These are referred to as Programmed Site Audits.

4.3.3 The cost of Programmed Site Audits are 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 been notified to the Enforcing authority using the HSA Form 'Notification Form to be Used for Any Work Involving Asbestos'.

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- 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 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 the 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 Model Marking Sheet (Form M9).
- 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.
- 4.5 OFFICE AUDITS AS A RESULT OF NON-COMPLIANCE WITH THE SITE AUDIT ACCREDITATION SCHEME
- 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



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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.

## **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.

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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.

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

- If the applicant is a scaffolding company or equipment maintenance company, licensed by the HSE under the Control of Asbestos Regulations 2012, they shall be required to provide a copy of their licence together with proof of competence.
- Licensed scaffolding companies and equipment maintenance companies shall be required to provide 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 is detailed in Appendix A, A.3.1. The Registration Fee is non-refundable in the event of a failed membership application.

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

6.3 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.3.2.

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## **7. FULL MEMBER NON-CONTRACTING (ASSOCIATE)**

- 7.1. 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.4.2.

## **8. LABOUR SUPPLY MEMBER**

- 8.1 Applications for membership are invited from labour supply organisations who are able to 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.
- 8.2 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 Certificate of Incorporation
  - full details of relevant (Director or Senior Manager) asbestos related training and experience
  - contact name and address of not less than 5 referees
  - 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.5.1. The Registration Fee is non-refundable in the event of a failed membership application.
- 8.3 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.
- 8.4 The ARCA Membership Compliance Manager, or nominee, shall make an appointment with the applicant for an office audit to be conducted.
- 8.5 The office audit procedures shall be carried out at the applicant's head office, using the current version of the ARCA Labour Supply Office Audit Form (Form M28).
- 8.6 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.
- 8.7 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 audit is to be paid in advance by the applicant at the rates detailed in Appendix B, B.3.
- 8.8 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.

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- 8.9 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved and the applicant informed.
- 8.10 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.5.2 (to include an annual office audit prior to renewal).
- 8.11 It is a requirement of membership that Labour Supply Members are audited annually by ARCA. Membership can only be maintained by successful completion of a Labour Supply Office Audit prior to renewal.
- 8.12 If improvements are recommended, ARCA shall advise the company of the weaknesses identified and shall require the company to make arrangements for the matters to be addressed, with written confirmation of the action taken to be received by ARCA within one month.
- 8.13 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. CORPORATE MEMBER

- 9.1. 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.6.1. The Registration fee is non-refundable in the event of a failed membership application.
- 9.2 Once the Membership Compliance Manager is satisfied that the application requirements have been met, the application shall be approved and the applicant informed.
- 9.3 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.6.2.

## 10. INFORMATION SERVICE MEMBER

- 10.1. 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.7.2.

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## 11. SUBSCRIPTION AND FEES

- 11.1. Subscriptions and fees are set by the ARCA Governing Council and are detailed in Appendices A and B.
- 11.2. Annual Subscriptions shall become due for payment in full on appointment to membership, and at the annual membership renewal date.
- 11.3. 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.
- 11.4. 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.

## 12. FOLLOWING ACCEPTANCE BY THE ASSOCIATION

- 12.1. All Full Contracting Members must have a minimum of two supervisors achieve the RSPH level 3 competency qualification (or equivalent) by the member's membership renewal date in 2015.
- 12.2. All Full Contracting and Full Non-Contracting (ATAC) Members, as well as Associate Members who hold ancillary licenses issued by the HSE under the Control of Asbestos Regulations 2012, 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 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
- 12.3. 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)
- 12.4. Only members permitted to use the ARCA or ATAC logos (see section 13) are permitted to advertise in any ARCA or ATAC publications or the ARCA and ATAC websites.
- 12.5. 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.
- 12.6. 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

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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.

- 12.7. 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.

### 13. USE OF LOGOS

- 13.1 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 13.2 - 13.7 detail the circumstances and manner in which the ARCA and ATAC Logos may be used.
- 13.2 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 members of the Association can be accessed at [www.arca.org.uk](http://www.arca.org.uk).
- 13.3 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).
- 13.4 Information Service members are not permitted to use either the ARCA or ATAC logos.
- 13.5 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.
- 13.9 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.
- 13.10 Legal action is taken against non-members who use the ARCA or ATAC logos.

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**14. 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)**

- 14.1. Any member served with any Prohibition Notice or Improvement Notice under the Control of Asbestos Regulations 2012 (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 (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.
- 14.2. 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.
- 14.3. 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.
- 14.4. 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. 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.
- 14.5. 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. Failure to do so will be considered a breach of the Rules of Membership, and the member company will be referred to the Governing Council, who will decide upon what action to take.
- 14.6. Any member subject to licence refusal, revocation or surrender will be automatically suspended from ARCA, and shall be contacted by the Membership Compliance Manager to discuss appropriate remedial actions that may be required.
- 14.7. Any member subject to any action detailed in 14.1, 14.2, 14.4 or 14.5 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.

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14.8. In all instances with reference to 14.7 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.

14.9. 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.

## **15. COMPLAINTS PROCEDURE**

15.1. Any complaint regarding the conduct of any ARCA member shall be investigated on receipt of written details of the complaint.

15.2. On receipt of the written complaint, ARCA shall record the details of the complaint in the Client Complaints 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.

15.3. 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 16.

## **16. DISCIPLINARY PROCEDURE**

16.1. Matters of discipline shall be referred to the ARCA Chief Executive, who shall oversee such matters.

16.2. 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.

16.3. 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.

16.4. In the event that 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.



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- 
- 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.

## 17. **ARTICLES OF ASSOCIATION**

17.1. The Articles of Association shall always take precedent if found to be in conflict with the Rules of Membership. Copies of the Articles of Association are available on request.

17.2. 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.

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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 | £2950.00 |

### A.2 Full Member Non Contracting ATAC Member

|       |                         |          |
|-------|-------------------------|----------|
| A.2.1 | Registration Fee        | £100.00  |
| A.2.2 | Annual Subscription Fee | £1100.00 |

### A.3 Associate Member

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

### A.4 Full Member Non Contracting Associate

|       |                         |          |
|-------|-------------------------|----------|
| A.4.1 | Registration Fee        | £100.00  |
| A.4.2 | Annual Subscription Fee | £1100.00 |

### A.5 Labour Supply Member

|       |                         |         |
|-------|-------------------------|---------|
| A.5.1 | Registration Fee        | £600.00 |
| A.5.1 | Annual Subscription Fee | £600.00 |

### A.6 Corporate Member

|       |                         |         |
|-------|-------------------------|---------|
| A.6.1 | Registration Fee        | £100.00 |
| A.6.2 | Annual Subscription Fee | £350.00 |

### A.7 Information Service Member

|       |                         |           |
|-------|-------------------------|-----------|
| A.7.1 | Registration Fee        | No Charge |
| A7.2  | 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.**

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## **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.**