



Rules of Membership Revision 30

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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.

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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 and Corporate Members).
- 2.2 The membership application process is managed by the Membership Secretary. Once the Membership Secretary 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 Secretary, 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.
- 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.

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3 REPUTATION AND INTEGRITY

3.1 To uphold the reputation and integrity of the industry, Association members must adhere to ethical and lawful business practices, including:

- Complying with all relevant UK health and safety regulation pertaining to asbestos removal work, including but not limited to the Control of Asbestos Regulations 2012, and associated Approved Codes of Practice.
- Following any codes of conduct, ethical standards, or practice guidelines established by the Association.
- Refraining from fraudulent, misleading or other illegal activities that could damage the industry’s reputation, such as false advertising, consumer fraud, or unethical practices.
- Conducting business with transparency and avoiding false or misleading communications.
- Refraining from publicly disparaging or criticising the Association.
- Cooperating fully with any Association investigations into conduct that may violate these rules or reflect poorly on the industry.

3.2 The Association reserves the right to determine which actions could reasonably harm public trust or confidence in the integrity of the industry. Violating any of the above terms may warrant disciplinary action as described in the Disciplinary Procedure in Section 21 of these Rules of Membership.

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4 APPLICATIONS FOR MEMBERSHIP

- 4.1** 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 Secretary approves the completed application.
- 4.2** 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.
- 4.3** No application for membership shall proceed without accompanying payment of Registration Fees, where required.

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5 FULL CONTRACTING MEMBER

5.1 Applications for membership are welcomed from:

- Licensed asbestos removal companies in the UK who have not previously been Full Contracting Members of ARCA.
- Licensed asbestos removal companies in the UK who have previously been Full Contracting Members of ARCA, having previously surrendered their membership.
- Licensed asbestos removal companies in the UK 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 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, which ceased trading, the time out of membership shall be at least 12 months before a fresh application would be considered.
- 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 5.1.16 below.
- 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.
 - 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.
 - The contact details of not less than 5 referees.
 - A copy of the applicant's insurance schedule detailing their cover regarding Employers and Public Liability insurance for work with asbestos.
 - The Registration Fee, which for this grade of membership is detailed in Appendix A, A.1.1. The Registration Fee is non-refundable in the event of a failed membership application.
- 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).

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- If the plan of work meets the criteria set down by ARCA, an Office Audit (using Form M4) of the applicant's management arrangements shall be conducted to verify that the applicant is operating in accordance with current asbestos legislation and guidance.
- 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.
- 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.
- If the second plan of work meets the criteria set down by ARCA, an Office Audit (using Form M4) 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.
- The Membership Secretary, or nominee, shall make an appointment with the applicant for an Office Audit to be conducted.
- The Office Audit procedures shall be carried out at the applicant's head office (using Form M4).
- Should the Office Audit prove unsatisfactory, the Membership Secretary shall draw up a list of recommendations that is considered would improve the applicant's management arrangements. These recommendations shall be forwarded to the applicant for action.
- The applicant shall advise ARCA when the recommendations have been implemented, and an auditor shall conduct a Follow-Up Office Audit to confirm that the recommendations have been implemented. 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.
- Following a satisfactory Office Audit, a Site Audit shall be conducted to assess the implementation of the company's management arrangements.
- Any Site Audit(s) required by the application process shall be conducted on an unannounced basis. Sites selected 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. The ARCA appointed auditor shall conduct the Site Audit using the current version of the Application Site Audit Form (Form A1).
- The Membership Secretary is responsible for the assessment of the completed Site Audit form using the Standardised Marking Scheme (Form M9).

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- The following arrangements will apply in accordance with the circumstances of application referred to in section 5.1 above:

For applicants applying for membership for the first time, or reapplication (where previous termination of membership was not related to poor performance)	For applicants reapplying for membership following a period of non-membership due to poor performance
The applicant is required to complete a satisfactory Office Audit.	The applicant is required to complete a satisfactory Office Audit.
Following the completion of a satisfactory Office Audit, ARCA shall appoint an auditor to carry out an unannounced Site Audit, and shall notify the auditor of the appointment.	Following the completion of a satisfactory Office Audit, ARCA shall appoint an auditor to carry out an unannounced Site Audit, and shall notify the auditor of the appointment.
If the Site Audit was found to be unsatisfactory, ARCA shall advise the applicant of the weaknesses identified and shall require the applicant to undergo a further unannounced Site Audit. The cost of this Replacement Site Audit is to be paid by the applicant at the rates detailed in Appendix B, B.1.	Following an unannounced Site Audit, the applicant is required to complete a further two satisfactory Site Audits. 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.
Should the further Site Audit again produce an unsatisfactory result, the application for membership shall be deemed to have failed.	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 the applicant for membership.

- Once the Membership Secretary is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 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.1.2.

5.2 SITE AUDIT ACCREDITATION SCHEME (SAAS) AUDIT PROCESS

- 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.
- All Full Contracting Members will be required to complete 4 satisfactory Site Audits per membership/subscription period. These are referred to as Programmed Site Audits.
- The cost of Programmed Site Audits is included in the Annual Subscription Fee (see Appendix A, A.1.2).
- 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, and sites may be audited at the discretion of the Membership Secretary or their nominee.
- ARCA shall appoint an auditor to carry out the Site Audit and shall notify the auditor of the

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appointment and site details.

- The auditor shall carry out the Site Audit using the latest revision of the ARCA SAAS Programmed Audit Form (Form A16).
- 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), 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 (Replacement Site Audit) to be completed.
- If the member company fails to return the action plan within 14 days as referred to in 5.2.7 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.
- In all cases, the company shall be liable for the full cost of a Replacement Site Audit to replace an unsatisfactory Site Audit. The fees for a Replacement Site Audit are detailed in Appendix B, B.1.
- Should the further Site Audit again produce an unsatisfactory result the member shall be suspended from membership due to non-compliance with the Site Audit Accreditation Scheme. The member shall be required to produce an action plan as per 5.2.7, and offered the opportunity to complete an Office Audit to address the non-conformances raised during the unsatisfactory audits. Suspension procedures are detailed in section 14.
- If the company provides a satisfactory further Site Audit, they shall continue their participation in the Site Audit Accreditation Scheme. 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).
- Any appeals regarding the auditors' findings must be submitted to ARCA within 14 days of the audit findings being notified to the Site Audit Contact of the member company for whom the Site Audit was conducted. The appeals process is detailed in section 23.

5.3 SITE AUDITS GIVING RISE TO SERIOUS CONCERNS REGARDING STANDARDS OF WORK

- 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 21 below will need to be applied.

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6 FULL CONTRACTING MEMBER (Republic of Ireland & Northern Ireland)

- Applicants for membership shall be asbestos removal companies in ROI and Northern Ireland.
- 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 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).
 - The contact details of not less than 5 referees.
 - A copy of the applicant's insurance schedule detailing their cover regarding Employers and Public Liability Insurance for work with asbestos.
 - The Registration Fee, which 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.
- 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 relevant HSE/HSA regulations and guidance, and its suitability for ARCA Site Audit purposes (using Form M3).
- 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 company shall be invited to resubmit the plan of work, after amendment, or to submit another plan of work.
- 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.
- If the second plan of work meets the criteria set down by ARCA, an Office Audit (using Form M4) 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.
- The Membership Secretary, or nominee, shall make an appointment with the applicant for an Office Audit to be conducted.
- The Office Audit procedures shall be carried out at the applicant's head office (using Form M4).
- Should the Office Audit prove unsatisfactory, the Membership Secretary shall draw up a list of recommendations that is considered would improve the applicant's management arrangements. These recommendations shall be forwarded to the applicant for action.
- The applicant shall advise ARCA when the recommendations have been implemented, and an auditor shall conduct a Follow-Up Office Audit to confirm that the recommendations have been implemented. 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.
- Following a satisfactory Office Audit, a Site Audit shall be conducted to assess the implementation of the company's management arrangements.

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- Any Site Audit(s) required by the application process shall be conducted by arrangement with the applicant company and ARCA's approved external audit providers. Sites selected for Site Audit purposes 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 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 appointed auditor shall conduct the Site Audit using the current version of the Application Site Audit Form (Form A1).
- The Membership Committee is responsible for the assessment of the completed Site Audit form using the Standardised Marking Scheme (Form M9).
- The following arrangements will apply in accordance with the circumstances of application referred to in section 6.1 above:

For applicants applying for membership for the first time, or reapplication (where previous termination of membership was not related to poor performance)	For applicants reapplying for membership following a period of non-membership due to poor performance
The applicant is required to complete a satisfactory Office Audit.	The applicant is required to complete a satisfactory Office Audit.
Following the completion of a satisfactory Office Audit, the applicant shall make arrangements with the Association's approved external audit providers to conduct a Site Audit.	Following the completion of a satisfactory Office Audit, the applicant shall make arrangements with the Association's approved external audit providers to conduct a Site Audit.
If the Site Audit was found to be unsatisfactory, ARCA shall advise the applicant of the weaknesses identified and shall require the applicant to undergo a further Site Audit.	Following a Site Audit, the applicant is required to complete a further two satisfactory Site Audits. To complete the 3 satisfactory Site Audits, a maximum of 4 audits shall be carried out. Audits shall be arranged with the Association's approved external audit providers.
Should the further Site Audit again produce an unsatisfactory result, the application for membership shall be deemed to have failed.	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 the applicant for membership.

- Once the Membership Secretary is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 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.

6.2 SITE AUDIT ACCREDITATION SCHEME (SAAS) AUDIT PROCESS

- It is a requirement that all Full Contracting Members (Republic of Ireland & Northern Ireland) participate in the ARCA Site Audit Accreditation Scheme. The Scheme for each member will run in conjunction with their annual membership/subscription period.
- All Full Contracting Members (Republic of Ireland & Northern Ireland) will be required to complete two satisfactory Site Audits per membership/subscription period. These are referred to as

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Programmed Site Audits.

- One Programmed Site Audit shall be completed within the first 6 months of the membership period, and one shall be completed within the second 6 months of the membership period.
- Programmed Site Audits will be arranged by the member company directly with the Association's approved external audit providers.
- The auditor shall carry out the Site Audit using the latest revision of the ARCA SAAS Programmed Audit Form (Form A16).
- If a Site Audit 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 request) and to agree a timescale with ARCA for the required actions to be completed. Following the agreed timescale, the company shall arrange for a further Site Audit (Replacement Site Audit) to be completed.
- If the member company fails to return the action plan within 14 days as referred to in 6.2.5 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.
- Should the further Site Audit again produce an unsatisfactory result the member shall be suspended from membership due to non-compliance with the Site Audit Accreditation Scheme. The member shall be required to produce an action plan as per 6.2.7, and offered the opportunity to complete an Office Audit to address the non-conformances raised during the unsatisfactory audits. Suspension procedures are detailed in section 14.
- If the company provides a satisfactory Replacement Site Audit, they shall continue their participation in the Site Audit Accreditation Scheme. 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).
- Any appeals regarding the auditors' findings must be submitted to ARCA within 14 days of the audit findings being notified to the Site Audit Contact of the member company for whom the Site Audit was conducted. The appeals process is detailed in section 23.

6.3 SITE AUDITS GIVING RISE TO SERIOUS CONCERNS REGARDING STANDARDS OF WORK

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7 FULL MEMBER NON-CONTRACTING ATaC

- 7.1 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 applicant's 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 Health and Safety Policy.
 - A copy of the applicant's Certificate of Incorporation.
 - A copy of a typical site-specific plan of work for a contract that the applicant has completed, or is currently undertaking, or proposes to undertake.
 - Details of any UKAS suspensions in the last 12 months.
 - The contact details of not less than 5 referees.
 - 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.
- 7.2 Once the Membership Secretary 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.3.2.

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8 ASSOCIATE MEMBER (Non-Asbestos Licence Holder)

- 8.1** 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:
- A copy of the applicant’s insurance schedule detailing their cover regarding Employers and Public Liability insurance.
- 8.2** Once the Membership Secretary is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
- 8.3** 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.

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9 ASSOCIATE MEMBER (Asbestos Licence Holder)

9.1 Applicants for membership must be companies providing an industry related service to Full Contracting Members for which they hold an Ancillary HSE Licence to Work with Asbestos. 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 Ancillary Licence to undertake work with asbestos, issued by the Health and Safety Executive (HSE) under the Control of Asbestos Regulations 2012.
 - A copy of the applicant’s Health and Safety Policy.
 - A copy of applicant’s Certificate of Incorporation.
 - A copy of a typical site-specific plan of work for a contract that the applicant has completed, or is currently undertaking, or proposes to undertake.
 - The contact details of not less than 5 referees.
 - A copy of their company’s insurance schedule detailing their cover regarding Employers and Public Liability insurance for work with asbestos.
- Associate members who hold an ancillary HSE asbestos licence for scaffolding or equipment maintenance shall be required to participate in the association’s Site Audit Accreditation Scheme. The scheme details are in section 9.2.
 - Once the Membership Secretary is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.
 - 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.

9.2 SITE AUDIT REQUIREMENTS FOR LICENSED ASSOCIATE MEMBERS

- It is a requirement of membership that Associate Members who hold an Ancillary HSE Licence to work with asbestos (Asbestos Licensed Scaffolders and Asbestos Licensed Maintenance companies) to complete one satisfactory Site Audit per membership/subscription period. These are referred to as Programmed Site Audits. The cost of Programmed Site Audits is included in the Annual Subscription Fee (see Appendix A, A.5.2).
- Programmed Site Audits for member companies will be by arrangement. ARCA will contact the member to arrange a mutually convenient time and date to undertake the audit.
- ARCA shall appoint an auditor to carry out the site audit and shall notify the auditor of the appointment and site details. Associate members who are required to comply with these requirements, who have multiple sites on which asbestos licensed work is conducted, will be audited at a site chosen by ARCA. ARCA shall also confirm the appointment with the member company and inform them of the name and contact number of the appointed auditor. The auditor shall carry out the site audit using the current revision of the Maintenance Licence Holder Facility Audit Form (A10) or Licensed Scaffolders Audit Form (A13).
- 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), and to agree a timescale with ARCA for the required actions to be

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completed. Following the agreed timescale, ARCA shall arrange a further site for Site Audit purposes (Replacement Site Audit).

- If the member company fails to return the action plan within 14 days as referred to in 9.2.4, 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.
- In all cases, the company shall be liable for the full cost of a Replacement Site Audit to replace an unsatisfactory site audit. The fees for a Replacement Site Audit are detailed in Appendix B, B.1.
- Should the further Site Audit again produce an unsatisfactory result the member shall be suspended from membership due to non-compliance with the Site Audit Accreditation Scheme. The member shall be required to produce an action plan as per 5.2.7, and offered the opportunity to complete an Office Audit to address the non-conformances raised during the unsatisfactory audits. Suspension procedures are detailed in section 14.
- If the company provides a satisfactory further Site Audit, the membership suspension shall be lifted.
- 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 (M9).
- Any appeals regarding the auditors' findings must be submitted to ARCA within 14 days of the audit findings being notified to the Site Audit Contact of the member company for whom the site audit was conducted. The appeals process is detailed in section 23.

9.3 SITE AUDITS GIVING RISE TO SERIOUS CONCERNS REGARDING STANDARDS OF WORK

- 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 21 below will need to be applied.

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10 FULL MEMBER NON-CONTRACTING (ASSOCIATE)

- 10.1** 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.6.1.

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11 LABOUR SUPPLY MEMBER

11.1 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.

- Applicants for membership shall complete a membership application form (Form M1) and return it to ARCA with the following:
- Evidence that the applicant company is a Corporate Member of the Recruitment and Employment Confederation (REC).
- A copy of the applicant's Certificate of Incorporation.
- 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.7.1. The Registration Fee is non-refundable in the event of a failed membership application.
- Labour supply organisations, who have previously been members of ARCA and who have had their membership terminated for a breach of the Rules of Membership, are required to have been out of membership for at least 6 months before reapplying.

11.2 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 requirements regarding training, competency, and labour supply.

11.3 The Membership Secretary shall make an appointment with the applicant for an Office Audit to be conducted. The Office Audit procedure shall be carried out at the applicant's head office, using the current version of the ARCA Labour Supply Audit Form (Form M29).

11.4 Should the Office Audit prove unsatisfactory; the Membership Secretary 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.

11.5 The applicant shall advise ARCA when the recommendations have been implemented, and an auditor shall conduct a Follow-Up Office Audit to confirm that the recommendations have been implemented.

11.6 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. A fresh application for membership may be made not less than 6 months from the date of previous the failed application.

11.7 Once the Membership Secretary is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.

11.8 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.

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11.9 Whilst members of ARCA, Labour supply members are required to comply with the following 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 Labour Agency Managers training course, within each membership year.
- REC Corporate Membership.

11.10 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 Office Audit to confirm the action plan has been complied with. 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.

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12 CORPORATE MEMBER

12.1 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.

12.2 Once the Membership Secretary is satisfied that the application requirements have been met, the application shall be approved, and the applicant informed.

12.3 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.8.2.

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13 INFORMATION SERVICE MEMBER

13.1 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.9.2.

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14 SUSPENSIONS DUE TO NON-COMPLIANCE WITH SITE AUDIT ACCREDITATION SCHEME

- 14.1** Any company suspended from membership because of non-compliance with the Site Audit Accreditation Scheme 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.
- 14.2** The company shall be notified by ARCA that they have been suspended from membership. The company shall be required to produce an action plan as per 5.2.7, and offered the opportunity to complete an Office Audit to address the non-conformances raised during the unsatisfactory audits.
- 14.3** Failure to produce an action plan within the specific time frame will result in the company being referred to the ARCA Governing Council with a recommendation that their membership of ARCA be terminated.
- 14.4** Following review of the action plan, and Office Audit (if requested), the company shall be subject to a further Site Audit to replace the unsatisfactory Site Audits and pay the full price for this Replacement Site Audit as detailed in Appendix B, B.1. The Replacement Site Audit must be carried out successfully at the first attempt as there is no provision for repeating unsuccessful audits.
- 14.5** Once the Replacement Site Audit has been carried out satisfactorily the company concerned shall have its membership suspension lifted.
- 14.6** 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 section 5 for Full Contracting Members, or section 9 for Associate Member (Asbestos Licence Holders).
- 14.7** Any company being suspended more than twice 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 section 5 for Full Contracting Members, or section 9 for Associate Member (Asbestos Licence Holders).

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15 SUBSCRIPTION AND FEES

- 15.1** Subscriptions and fees are set by the ARCA Governing Council and are detailed in Appendices A and B.
- 15.2** Annual Subscriptions shall become due for payment in full on appointment to membership, and at the annual membership renewal date.
- 15.3** 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.
- 15.4** 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.
- 15.5** Any member who has their membership terminated by ARCA because 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.

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16 TRAINING CREDITS

- 16.1** 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.
- 16.2** Training credits may be used by members for payment or part payment of any ARCA training, qualifications, additional audits, or membership services. Training credits cannot be used as payment or part payment for any social events including the AGM, the internal audit app, CSCS Cards, job advert listings, Replacement Site Audits, or RSPH qualification registration fees. Training credits must be used within the annual membership period in which they are paid. Training credits cannot be refunded or carried over to subsequent annual membership periods.

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17 FOLLOWING ACCEPTANCE BY THE ASSOCIATION

17.1 All Full Contracting, Full Non-Contracting (ATaC) Members, Associate Members and Labour Supply Members 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.

17.2 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)
- Labour Supply

17.3 Only members permitted to use the ARCA or ATaC logos (see section 18) are permitted to advertise in any ARCA or ATaC publications or on the ARCA or ATaC websites.

17.4 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.

17.5 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.

17.6 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 17.6 of the ARCA Rules of Membership and non-achievement of the expectation will lead to disciplinary action in accordance with section 21 of the ARCA Rules of Membership, ultimately this can include termination of membership.

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18 USE OF LOGOS

- 18.1** 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. Rules 18.2 - 18.10 detail the circumstances and way the ARCA and ATaC Logos may be used.
- 18.2** All Full (Contracting) members, Full Non-Contracting (Associate) members, Associate members, Associate (Licence Holder) 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.
- 18.3** 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.
- 18.4** Information Service members are not permitted to use either the ARCA or ATaC logos.
- 18.5** The conditions of membership of ARCA are detailed in Sections 5, 6, 8, 9, 10, 11 and 12 of these Rules of Membership. The conditions of membership of ATaC are detailed in Section 7 of these Rules of Membership.
- 18.6** 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.
- 18.7** 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.
- 18.8** 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.
- 18.9** 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.
- 18.10** Legal action is taken against non-members who use the ARCA or ATaC logos.

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19 MEMBERS IN RECEIPT OF ENFORCEMENT ACTION

- 19.1** Member companies may receive enforcement actions from the Health and Safety Executive (HSE), Health and Safety Authority (HSA – ROI only), Local Authorities (LA's) or the United Kingdom Accreditation Services (UKAS).
- 19.2** 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 Secretary.
- 19.3** 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 Secretary.
- 19.4** ARCA will regularly check the HSE databases and other sources to identify whether any members have been subject to enforcement notices or prosecutions, or who no longer hold a licence.
- 19.5** Under 7.1 ATaC members must hold UKAS accreditation for the full range of services offered (unless the conditions in 7.1 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 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.
- 19.6** 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.
- 19.7** Any member subject to licence refusal, whether conditional or outright, will be automatically suspended from ARCA, and shall be contacted by the Membership Secretary 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 may 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.

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- 19.8** Any member subject to any action detailed in 19.1 - 19.6 above will be subject to an investigation of the circumstances leading to the enforcement or accreditor’s actions, and the recipient’s intended remedial actions.
- 19.9** In all instances with reference to 19.8, the Membership Secretary 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.
- 19.10** 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.

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20 COMPLAINTS PROCEDURE

- 20.1** 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.
- 20.2** If after investigation by the ARCA Chief Executive or nominee, the ARCA member is believed to be at fault, disciplinary action may be taken as detailed in section 21.

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21 DISCIPLINARY PROCEDURE

- 21.1** Issues pertaining to discipline shall be referred to the ARCA Chief Executive, who shall oversee such matters.
- 21.2** 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 Appendix B below.
- 21.3** Any company disagreeing with, and refusing to comply with, the disciplinary requirements have a right of appeal to the ARCA Governing Council. The Appeals Procedure is detailed in Section 22 of these Rules of Membership.
- 21.4** 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.
- 21.5** The Membership Secretary has authority to suspend members for failure to comply with the Rules of Membership. The Membership Secretary also has authority to lift such suspensions following compliance with all conditions related to such suspensions.
- 21.6** Should the Membership Secretary consider that termination of membership is required due to non-compliance with the Rules of Membership, the Membership Secretary shall recommend this to the Governing Council for approval.

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22 APPEALS PROCEDURE

- 22.1** A copy of this appeals procedure shall be included with any notification of a disciplinary decision sent to any ARCA member.
- 22.2** A member who is the subject of a disciplinary decision may appeal to the Governing Council against that decision. Such an appeal must be made in writing, including email, setting out the grounds for appeal and to be received by the Chief Executive within 28 days of the member being notified of the disciplinary decision, or a longer period if this is requested and agreed by the Governing Council if there are extenuating circumstances.
- 22.3** Where a disciplinary decision has been made by the Governing Council to terminate a member's membership of the association, 28 days shall be allowed for any appeal to be lodged before terminating that membership. Should an appeal be lodged in the correct timeframe, the membership shall be suspended pending the outcome of the appeal.
- 22.4** When an appeal is made in the correct timeframe the Governing Council shall review the appeal at the next scheduled Governing Council meeting, subject to the next scheduled Governing Council meeting falling within 28 days of the appeal being received. If there is no Governing Council meeting scheduled within 28 days of the appeal being received, an exceptional Governing Council meeting shall be convened to review the appeal. The Governing Council will review the evidence on which the disciplinary decision was made and any new information that may be available.
- 22.5** The Governing Council will decide whether to interview anyone or allow any form of hearing. Any hearing may be conducted in any manner by the Governing Council, or their representative(s), including by electronic means.
- 22.6** The Governing Council will decide by simple majority vote whether to uphold the appeal and/or whether to impose any different disciplinary sanction(s).
- 22.7** The member will be notified in writing of the decision and any sanction, together with the Governing Council's reasons.
- 22.8** The decision of the Governing Council shall be final.

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23 SITE AUDIT ACCREDITATION SCHEME APPEALS PROCEDURE

- 23.1** If a member’s site representative disagrees with a decision made by an ARCA auditor during an on site audit, the representative should verbally discuss the issue with the auditor at the conclusion of the audit. The auditor will document the representative’s comments in the audit report.
- 23.2** Upon receiving an ARCA Site Audit Report, if a member disagrees with any of the auditor’s decisions, the member may submit a written appeal to the Membership Secretary within 14 days of the audit date. Appeals must be sent to audit@arca.org.uk, or mailed to ARCA, Unit 1, Stretton Business Park 2, Brunel Drive, Stretton, Burton upon Trent, DE13 0BY. The written appeal should specify the audit criteria being appealed and provide relevant background details and rationale for the appeal.
- 23.3** Upon receiving the appeal, the Membership Secretary or their nominee will investigate by reviewing audit documentation and consulting with the auditor. ARCA will email the member within 7 days upholding or overturning the original decision. If upheld, ARCA will explain the rationale. If overturned, ARCA’s corrective actions will be outlined.
- 23.4** If the member disputed ARCA’s appeal decision, a final appeal may be made to ARCA’s Membership Committee within 7 days of receiving the email upholding the original decision. Final appeals should be addressed to the Membership Committee Chair and sent to audits@arca.org.uk or mailed to ARCA, Unit 1, Stretton Business Park 2, Brunel Drive, Stretton, Burton upon Trent, DE13 0BY. The final appeal should explain why the member disagrees with ARCA’s rationale for upholding the original decision and provide any additional relevant information.
- 23.5** The Membership Committee will email their decision on the final appeal to the member within 14 days or receipt. The Membership Committee’s decision is final.

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24 ARTICLES OF THE ASSOCIATION

- 24.1** The Articles of Association shall always take precedence if found to conflict with the Rules of Membership. Copies of the Articles of Association are available on request.
- 24.2** 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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25 APPENDIX A – MEMBERSHIP FEES

A.1 Full Member Contracting	
A.1.1 Registration Fee (Deducted from first Annual Subscription invoice upon completion of application)	£1100.00
A.1.2 Annual Subscription Fee (Includes £1,300.00 of training credits and 4 unannounced Programmed Site Audits)	£3800.00
A.2 Full Member (Northern Ireland & Republic of Ireland)	
A.2.1 Registration Fee (Deducted from first Annual Subscription invoice upon completion of application)	£650.00
A.2.2 Annual Subscription Fee	£1100.00
A.3 Full Member Non-Contracting ATaC Member	
A.3.1 Registration Fee (Deducted from first Annual Subscription invoice upon completion of application)	No Charge
A.3.2 Annual Subscription Fee (Includes £400.00 of ATaC training credits)	£1100.00
A.4 Associate Member (Non-Asbestos Licence Holder)	
A.4.1 Registration Fee (Deducted from first Annual Subscription invoice upon completion of application)	No Charge
A.4.2 Annual Subscription Fee	£600.00
A.5 Associate Member (Asbestos Licence Holder)	
A.5.1 Registration Fee	No Charge
A.5.2 Annual Subscription Fee (Includes 1 Programmed Audit of Site/Premises)	£950.00
A.6 Full Member Non-Contracting Associate	
A.6.1 Registration Fee	No Charge
A.6.2 Annual Subscription Fee	£1100.00
A.6.3 Annual Subscription Fee (If Licence Holder)	£1375.00
A.7 Labour Supply Member	
A.7.1 Registration Fee (Deducted from first Annual Subscription invoice upon completion of application)	£600.00
A.7.2 Annual Subscription Fee (Includes £1,300.00 of ARCA training credits and 2 Programmed Office Audits)	£3100.00
A.8 Corporate Member	
A.8.1 Registration Fee	No Charge
A.8.2 Annual Subscription Fee	£350.00
A.9 Information Service Member	
A.9.1 Registration Fee	No Charge
A.9.2 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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26 APPENDIX B – SITE AUDIT ACCREDITATION SCHEME FEES

B.1 Replacement Site Audit Fee	£350.00
B.2 Office Audit Fee	No Charge

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