

UKATA Rules of Membership
(Incorporating the Code of Conduct)

Section	Title	Page No's
1	Introduction	2 - 4
2	Membership Application Process	5 - 10
	- 2.2 New Member Application	5 - 7
	- 2.3 Membership Renewal Application	7 - 9
	- 2.4 Individual Course Tutors involved in the Application	9 - 10
3	Associate Membership	11
4	Corporate Membership	12
5	Subscription and Fees	13
6	Conduct of Members	14
7	Complaints Procedure	15
8	Disciplinary Procedure	16
9	Audits	17-18
10	Articles of Association	19
	Appendices	
	1 – Training Definitions	20
	2 – Recognition of Contribution of Second Individual Course Trainer	21
	3 – Candidate Assessments	22
	4 – Minimum Standards Required for Training Venues	23-24

1 INTRODUCTION

The UK Asbestos Training Association (UKATA) is a Trade Association for the asbestos training providers' industry. These Rules of Membership set out the categories of membership available and the rules for application and continuing membership of the Association.

The Association is governed by an Executive Committee which consists of 15 elected members. Of the 15 elected Executive Committee members, 10 shall be from Category C members, (see definition at 1.12 below) elected by all members, 2 shall be from Category B members and 3 shall be from Category A members, elected by all members. The elected members stand for re-election at the Annual General Meeting.

The rules governing the Executive Committee are set out in the Memorandum and Articles of Association. Where anything contained in this document is contrary to the Memorandum and Articles of Association, that document will take precedence.

- 1.1. The Executive Committee is responsible for approving the Rules of Membership and for initial and final approval of membership applications.
- 1.2. The membership application process is managed by the Membership Committee which is a sub-committee of the Executive Committee. Once the Membership Committee is satisfied that a training provider has met all the requirements for membership, they will recommend to the Executive Committee that the training provider be admitted into membership. The Executive Committee will make the final decision.
- 1.3. Audits carried out as part of the membership process are carried out by independent, UKATA appointed auditors. The prospective Member may not influence the choice of auditor, other than to object on the grounds of conflict of interest.

Any comment made by an auditor at the point of audit is not binding upon UKATA. The decision as to the audit outcome (satisfactory or otherwise) is made by the Membership Committee, and ratified by the Executive Committee.

- 1.4. All training providers applying for membership of UKATA shall have a maximum of 6 months to achieve membership from initial application. The six month period commences on the date that the applicant's membership application is received. It finishes on the date that the Membership Committee agrees to the application. The six month period can be extended at the option of the Executive Committee, upon appeal by the prospective member, and this option should be exercised where the applicant has reasonable cause for any delay that has occurred.

A similar 6 month time frame shall be allowed upon renewal in the second and subsequent years of membership, to allow adequate time for the process including audits to be undertaken and completed

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

- 1.6. The Executive Committee have the right to refuse an application for membership.
- 1.7. The Executive Committee has authority to suspend members for failure to comply with the Rules of Membership.

The Executive Committee also has authority to lift such suspensions following compliance with all conditions related to such suspensions.

- 1.8. Decisions regarding failed audits shall be made by the Membership Committee
- 1.9. Where the Membership Committee (or the Standards Committee) are of the opinion that termination of membership is required due to non-compliance with the Rules of Membership; the Committee in question shall recommend this to the Executive Committee.
- 1.10. Termination of membership shall only be authorised by the Executive Committee.
- 1.11. Membership will consist of three categories reflecting the categorisation and nomenclature established in the Control of Asbestos Regulations 2006. These categories cannot be changed other than by a General Meeting of the Association:

1.10.1 Category C - Licensed training / non-licensed training / asbestos awareness (formerly Category 1)

1.10.2 Category B - Non-licensed training / asbestos awareness (formerly Category 2)

1.10.3 Category A - Asbestos awareness only (formerly Category 3)

- 1.12. Applicants for membership shall specify the category for which they are applying. Applicants shall apply for membership at the highest category at which they train, irrespective of that being in-house or commercial training.

In order to protect the integrity of the UKATA brand and also to ensure that trainees are not misled, a member of UKATA shall not be allowed to train in categories above the level of their membership. Explicitly:

- a Category B or A member shall not deliver any asbestos training in relation to activities that require an asbestos licence; and,
- a Category A member shall not deliver any asbestos training in relation to working with asbestos.

These exclusions shall apply irrespective of the inclusion of the UKATA logo on any certificates produced following the delivery of such training. A declaration in this respect is included on the membership application form.

- 1.13. Any reference to written submissions or responses contained herein shall be deemed to include written electronic communication.
- 1.14. Successful candidates in any category of training shall be required to include copies of the standard UKATA 'warning' notices (regarding the specific application of the different Categories of training) within the training material used by the individual members

- 1.15 Course materials submitted for verification and /or auditing shall be retained by UKATA for a period of five (5) years to allow for the on-going, year on year, process of verification and auditing to be checked and ratified. All materials submitted will be held securely and will be destroyed at the end of the time period specified. Confidentiality of the material submissions shall be maintained by UKATA.
- 1.16 All members shall be expected to complete an Annual Declaration on the appropriate form to accurately record the details of the member within the records held at UKATA. In addition, the Annual Declaration will seek to provide UKATA with information regarding the type, nature and number of training courses delivered, together with the number of delegates trained.
- 1.17 UKATA reserve the right to amend the Annual Declaration at any time to reflect different and emergent data requirements.

2 MEMBERSHIP APPLICATION PROCESS

2.1. Application Pack

Applicants for membership shall complete a membership application pack (form A0010 & A0021) and return it to UKATA with the following:

- 2.1.1. If the prospective member is a limited company: a copy of the applicant company's Certificate of Incorporation.
- 2.1.2. If the prospective member is a non-limited company, partnership or sole trader they shall supply evidence of insurance documents bearing the applying organisation's trading name.
- 2.1.3. CVs of their trainers entered on the appropriate UKATA CV form. (The trainer to be audited for membership of UKATA shall be an employee of the applying organisation.)
- 2.1.4. If appropriate; a declaration that the training provider only intends to undertake in-house training. If this is included the next provisions regarding insurance and references should be omitted (2.1.5 and 2.1.6).
- 2.1.5. Insurance details: Professional Indemnity Insurance, Public Liability Insurance and Employers Liability Insurance (for all except sole traders and partnerships with no employees).

The specific requirement is a copy of the applicant's insurance schedule detailing their cover regarding Public Liability insurance for work involving training.

- 2.1.6. Upon completion of the Application / Renewal Process the successful Member organisation shall be required to incorporate into any and all relevant Asbestos Training Materials the standard UKATA 'Warning' slides advising delegates of the constraints of the training they are being subjected to.

2.2 New Membership Application

The entire *New Membership* application process is as follows:

- a. Application is received (A0021) If the application is refused at any stage the applicant will be advised, with reasons, within 21 days in writing. An appeals procedure is in place that the Directors are required to use.
- b. File opened, attaching checklist (A0005).
- c. Payment received for administration fee and audit fee by Cheque/BACs. Acknowledged. The administration fee is not refundable; the audit fee is refundable if no audit takes place.
- d. File contents checked against checklist once payment is received – cannot proceed without payment.
- e. Acknowledgement of receipt of application sent to applicant.
- f. Details of applicant added to UKATA database.

UK Asbestos Training Association Ltd.
Unit 10 Markham Vale Environment Centre Markham Lane Markham Vale Chesterfield S44 5HY
T: 01246 824437 F: 01246 828541 E: info@ukata.org.uk
Registered Office: 42 Market Street, Eckington, Sheffield, S21 4JH
Company number 06462721
ICO Reg. No. Z125 3123

- g. Contact details of applicant recorded.
- h. Audit date noted, if supplied by applicant.
- i. Applicant contacted in the case of any omissions requiring remedy.
- j. Applicant entered on accounting system and invoice created. Copy sent to applicant via email.
- k. File prepared ready for verification. The applicant will be required to provide:
 - booking procedure forms,
 - details of application of training needs analysis,
 - trainer's CV's (on the appropriate form),
 - Public Liability Insurance Certificate,
 - Course Programme including timings,
 - trainer's slides and teaching materials, and
 - delegate handouts.

NB. These will be retained at UKATA year on year to aid and inform the on-going verification / audit process

- l. Verifier records comments on form supplied (V1.4). The CV's submitted are checked by verifier. Applicant is contacted accordingly, to advise acceptance or for re-submission of materials or minor amendments as required by verifier. Only two re-submissions will be allowed. If the 1st resubmission is returned as unacceptable a further resubmission will be allowed upon the payment of an administration fee. The charges applicable can be obtained by contacting UKATA or by visiting the UKATA website. If this resubmission subsequently fails, the application process will have ended. An appeals procedure is in place if required.
- m. Await confirmation that any amendments requested have been made. The applicant is made aware that these points will be checked by the auditor at audit.
- n. Completed audit request form (A0006) required confirming the audit date. It is important to note that an audit arranged must be of training undertaken at the most stringent level for which application is being made. For example, an applicant wishing to become a member undertaking training for licensed work, cannot present training for audit of non-licensed work.
- o. Training provider proceeding to audit –check CV of actual trainer has been accepted by verifier.
- p. Auditor booked, initially by telephone. Confirmation sent with purchase order and audit booking form (A0001). An audit number is created and entered into audit record book. The auditor shall not be the verifier.
- q. Auditor informed that they are required to make contact with applicant prior to visit. Auditor will be notified of any issues identified during verification which requiring checking.
- r. Audit carried out, audit report (A00014, A00015 or A00016) returned to office and forwarded to Membership Committee for comments and approval/refusal. Auditors will be required to sign a copy of the course material used during the training. (This will be acceptable in the form of a 6 slides per page hard copy of the slides used in addition to copies of any other material used during the training). This signed copy will then be sent directly to UKATA by the applicant to provide a cross reference with the materials submitted for verification. Without the signed copy being forwarded to UKATA the application process will be suspended.

Confidentiality will be maintained at all times by the auditor and UKATA. Applicants should note that the audit will not only look at the training but also the welfare and health and safety provision of the place of training. The auditor does not “pass” or “fail” an audit. The auditor makes observations as required

UK Asbestos Training Association Ltd.

Unit 10 Markham Vale Environment Centre Markham Lane Markham Vale Chesterfield S44 5HY

T: 01246 824437 F: 01246 828541 E: info@ukata.org.uk

Registered Office: 42 Market Street, Eckington, Sheffield, S21 4JH

Company number 06462721

ICO Reg. No. Z125 3123

by the form and forwards these observations to the Membership Committee. A copy of these observations is left with the applicant. Any opinion expressed by an auditor, verbally or in writing, ought to be constructive, but Membership Committee may disagree with the auditor's opinion in establishing common standards for members.

- s. Applicant informed if audit refused with guidance on how to proceed. In the event that the audit does not meet the standard required another audit will be required (subject to payment of the appropriate fees). The applicant company shall advise UKATA when the recommendations have been implemented and UKATA shall appoint an auditor as described above. A different auditor shall be used, wherever possible. If the follow up audit reveals that the recommendations have not been satisfactorily implemented, the application for membership shall be deemed to have failed. Appeals procedure is in place if required.
- t. Applicant informed of outcome and appropriate letter sent out.
- u. Accounts checked to see what fees are outstanding and relevant invoice sent accordingly.
- v. Check payment has been received in order to complete membership.
- w. Once payment has been received, send out logo with information about appropriate use and wording "UKATA Registered Member".
- x. Member added to the UKATA list of members and the website.
- y. Certificates printed and posted to new member.
- z. Database updated with membership date and unique reference no. Membership complete, file as appropriate.

UKATA reserve the right to request the re-submission of course materials and/ or require an audit of course delivery at any time. In such circumstances a nominal charge will be made to cover administration costs. Fees are available upon request to UKATA directly or can be found displayed on the UKATA website.

2.3 Annual Membership Renewal Application

The entire *Annual Membership Renewal* application process is as follows:

- a. Application is received (A0010).
- b. File opened, attaching checklist (A0007).
- c. Payment received for membership fee and audit fee by Cheque/BACs. Acknowledged. The audit fee is refundable if no audit takes place.
- d. File contents checked against checklist (A0007) once payment is received – cannot proceed without payment.
- e. Acknowledgement of receipt of application sent to applicant.
- f. Details updated if required.
- g. Details updated if required.
- h. Audit date noted, if supplied by applicant.
- i. Applicant contacted in the case of any omissions requiring remedy.
- j. Invoice created. Copy sent to applicant via email.
- k. In successive years verification of alternative course materials will be required, The training courses involved shall include the following:
 - Operative
 - Supervisor
 - Manager & Director
 - Non-Licensed and

- Asbestos Awareness courses

Consequently, in turn, the course materials subject to the renewal verification process shall be the course to be delivered to be subject to the impending audit.

In subsequent years other course material/courses will be subject to the verification / audit process, whereby across a number of years, typically a maximum of five (5) years, all courses offered by the member shall have been verified and audited

In circumstances where the member does not offer of the total range of courses the verification stage will be omitted unless there has been substantial change to legislation or guidance that requires the course materials to be reviewed and amended by the member to ensure accuracy. In this situation the auditor may recommend that the training material may be subject to verification after audit completion if necessary.

The applicant will be required to provide:

- booking procedure forms,
- details of application of training needs analysis,
- trainer's CV's (on the appropriate form),
- Public Liability Insurance Certificate,
- Course Programme including timings,
- trainer's slides and teaching materials, and
- delegate handouts.

NB. These will be retained at UKATA year on year (as outlined in Section 1.15 earlier) to aid and inform the on- going verification / audit process

l. As per the initial application process, where course materials have been submitted for verification subject to item 11 above, the verifier will record comments on form supplied (V1.4).

(The CV's submissions will again be checked by verifier unless they have been subject to the process previously and passed as acceptable)

Applicant is contacted accordingly, to advise acceptance or for re-submission of materials or minor amendments as required by verifier. Again, only two re-submissions will be allowed. If the 1st resubmission is returned as unacceptable a further resubmission will be allowed subject to the payment of the appropriate fee. Fees are available upon request to UKATA directly or can be found displayed on the UKATA website.

If this resubmission subsequently fails, the application process will have ended. An appeals procedure is in place if required.

NB. This stage will be omitted for members who are not required to submit course materials for verification as required by item 11 above.

m. Again confirmation that any amendments requested have been made will be required and the applicant will be made aware that these points will be checked by the auditor at audit.

NB. As above this stage will also be omitted for members who are not required to submit course materials for verification as required by item 11 above.

n. Completed audit request form (A0006) required confirming an audit date. It is important to note that an audit arranged shall be of training undertaken to meet the materials submitted for verification.

o. Training provider proceeding to audit –check CV of actual trainer has been accepted by verifier.

p. Auditor booked, initially by telephone. Confirmation sent with purchase order and audit booking form (A0001). Audit Number created and entered

UK Asbestos Training Association Ltd.

Unit 10 Markham Vale Environment Centre Markham Lane Markham Vale Chesterfield S44 5HY

T: 01246 824437 F: 01246 828541 E: info@ukata.org.uk

Registered Office: 42 Market Street, Eckington, Sheffield, S21 4JH

Company number 06462721

ICO Reg. No. Z125 3123

- into Audit record book. Auditor should be different to the previous year if possible.
- q. Auditor informed that they are required to make contact with applicant prior to visit and notified of any verification outcomes requiring checking.
 - r. Audit carried out, audit report (A0014, A0015 and A0016) returned to office and forwarded to Membership Committee for comments and approval/refusal.
Auditors will be required to sign a copy of the course material used during the training. (This will be acceptable in the form of a 6 slides per page hard copy of the slides used in addition to copies of any other material used during the training). This signed copy will then be sent directly to UKATA by the applicant to provide a cross reference with the materials submitted for verification. Without the signed copy being forwarded to UKATA the application process will be suspended.
Confidentiality will be maintained at all times by the auditor and UKATA.
Applicants should note that the audit will not only look at the training but also the welfare and health and safety provision of the place of training. The auditor does not “pass” or “fail” an audit. The auditor makes observations as required by the form and forwards these observations to the Membership Committee. A copy of these observations is left with the applicant. Any opinion expressed by an auditor, verbally or in writing, ought to be constructive, but Membership Committee may disagree with the auditor’s opinion in establishing common standards for members.
 - s. Applicant informed if audit refused with guidance on how to proceed. In the event that the audit does not meet the standard required another audit will be required (subject to the payment of the appropriate fees). The applicant company shall advise UKATA when the recommendations have been implemented and UKATA shall appoint an auditor as described above. A different auditor should be used. If the follow up audit reveals that the recommendations have not been satisfactorily implemented, the application for membership shall be deemed to have failed. Appeals procedure is in place if required.
 - t. Applicant informed of outcome and appropriate letter sent out.
 - u. Stage omitted: All fees paid upon annual application.
 - v. Stage omitted: All fees paid upon annual application.
 - w. Send out logo with information about appropriate use and wording “UKATA Registered Member”.
 - x. Updates to website made if requested.
 - y. Certificates printed and posted to member.
 - z. Database updated with membership date and unique reference no.
Membership complete, file as appropriate.

UKATA reserve the right to request the re-submission of course materials and/ or require an audit of course delivery at any time. In such circumstances a nominal charge will be made to cover administration costs Fees are available upon request to UKATA directly or can be found displayed on the UKATA website.

2.4 Individual Course Tutors involved in the Application Process.

UKATA fully recognise that the ability of course tutors’ as key to effective training and therefore Members’ individual course tutors will be subject to assessment of their knowledge

and delivery performance. This will require the Individual Course Tutor to be able to demonstrate they can meet the following criteria:

a) Evidence of appropriate experience within the asbestos industry by the completion of the standard UKATA C.V. documentation

NB. Category C and Category B course tutors for should have a minimum of 3 years experience working within the asbestos industry and must be able to demonstrate a comprehensive practical working knowledge, gained at site level, within the asbestos industry and also its legislative requirements, relative to the courses or subjects within a course they are delivering. They should be able to deliver the training in a professional, sympathetic and proactive manner, encouraging questions from delegates.

Category A course tutors should have a minimum of 3 years experience working within the asbestos industry or a health and safety background with a formal asbestos qualification: BOHS P402 or P405 or P406 or such other qualification that UKATA deems to be acceptable. Alternatively the course tutor should have passed a UKATA Asbestos Supervisor or Manager course, as a minimum qualification.

b). Successful audit of a course delivered by the individual course tutor at the relevant Category.

Following successful completion of the two criteria above the individual course tutor will be awarded as a UKATA recognised trainer.

(NB. Arrangements have been established to recognise the contribution to the training delivery where more than one trainer is used provided in the opinion of the Auditor that an 'equal contribution' has been made to the Training Delivery Process. Further details can be found within Appendix 2)

From 2011 all individual course tutors will required to be able to demonstrate a detailed knowledge of the subject matter by taking a UKATA Tutor Knowledge examination. Upon successful completion of the Knowledge Examination the individual will be awarded a Certificate of Attainment.

3 ASSOCIATE MEMBER

- 3.1. Applicants for membership, who must be companies providing an industry related service to members, shall complete a membership application form (A0017) and return it to UKATA. with the following:
 - The Registration and Annual Subscription Fees for this grade of membership are available upon application to UKATA The Registration Fee is non refundable in the event of a failed membership application.
- 3.2. Once the application is complete, the application for membership shall be referred by the Membership Committee to the UKATA Executive Committee for approval.
- 3.3. The UKATA Executive Committee shall consider the application for membership at the next meeting and advise the applicant company of the decision of the Executive Committee.
- 3.4. Following approval by the Executive Committee, and on receipt of the annual subscription fee, a membership certificate shall be issued.

Fees are available upon request to UKATA directly or can be found displayed on the UKATA website.

4 CORPORATE MEMBERS

- 4.0 Corporate Membership of UKATA is available to organisations who demonstrate commitment to using UKATA Members to satisfy their asbestos training requirements, and who provide documented confirmation of a UKATA trained workforce at >80% .
- 4.1 This opportunity will be open to companies, organisations and SME's who can produce evidence in the form of copies of current and valid training certification of direct employees presented by UKATA members, accompanied by a written and signed statement (a draft available on request).
- 4.2 For larger corporate/management bodies, where sub-contractor labour may provide a larger part of the workforce a written and signed statement clearly referencing their training policy identifying that only asbestos training delivered by UKATA members is the requirement of the organisations would also be acceptable evidence. A copy of any such policy should be included with the submission.
- 4.3 Ongoing and continued Corporate Membership shall be dependent on an annual submission to UKATA detailing the continued use of UKATA members for asbestos training.
- 4.4 The Fees for Corporate Membership can be obtained by contacting UKATA directly or by viewing the UKATA website where they are displayed,
- 4.5 Corporate Membership provides the following benefits:
- Access to the UKATA information database of asbestos (*this is currently in development and will be available during 2011*)
 - Access to the UKATA membership forum
 - A 'Corporate Membership' logo for use on all stationary, website and promotional literature demonstrating commitment to continued asbestos awareness.
 - Discounted rates to attend the annual 'National Asbestos Safety Seminar'
 - Wall plaque
 - Entry on to the UKATA Newsletter mailing list.
 - Discounted advertising rate in the UKATA newsletter (Rates available upon request from UKATA)
- 4.6 Persons registered with UKATA as auditors of training providers may whilst being maintained on the list of auditors be enrolled as Corporate Members of the Association, without the payment of any fees; however they would not be eligible for the benefits listed above.

5.0 SUBSCRIPTION AND FEES

- 5.1 Subscriptions and fees are set by the UKATA Executive Committee and are available upon request to UKATA directly or on display on the UKATA website.
- 5.2 Annual Subscriptions shall become due for payment in full on appointment to membership, and at the annual membership renewal date. Provision is made for members to pay by monthly instalments at the start of the second and subsequent full subscription year, i.e. payment by monthly instalments is not available in the first year of membership. Payment of the first instalment must be made before the due date; otherwise the full subscription is required.
- 5.3 Members who fail to renew Annual Subscriptions within 30 days following the annual expiry date shall have their membership terminated subject to agreement by the Executive Committee.
- 5.4 Any member wishing to resign from UKATA shall give notice in writing to UKATA, membership thereby expiring on receipt of the notice within the UKATA office. No refund of subscriptions shall be made in these instances.

6 CONDUCT OF MEMBERS

6.1 When sub-contracting training services, all members shall use UKATA Registered Members of the appropriate Category of Membership for all asbestos training.

6.2 The categories of membership qualify for voting rights as detailed in the Articles of Association.

- Category A Members
- Category B Members
- Category C Members

At the election of Officers, all members may vote for 15 Executive Committee places in the designated proportions from the Categories of Membership.

6.3 The following categories of membership are permitted to use the UKATA logo.

- Category A Members
- Category B Members
- Category C Members

Each Category of Member shall display the appropriate logo.

6.4 The following categories of membership do not qualify for voting rights as detailed in the Articles of Association but may use the Associates logo

- Associate Members
- Corporate Members

6.5 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.

6.6 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.

6.7 Membership is not transferable.

6.8 If a Member wishes to downgrade their category of membership during the membership year no previous fees are refundable.

6.9 If a Member wishes to upgrade their membership category throughout the year they shall be required to apply as a new member for the upgrade Category. Full new applicant fees will be due and no previous fees paid are refundable.

6.10 The Executive Committee may, at its absolute discretion, commission a UKATA auditor to undertake a random audit upon a member, at no cost to the member. The Executive Committee need give no reason to the member for this action but if UKATA are of the opinion that the audit so undertaken is materially less acceptable than the audit upon which the current membership is based, then the random audit supersedes that audit and the membership application process shall be resurrected. Costs associated with that membership application shall be borne by the member.

UK Asbestos Training Association Ltd.
Unit 10 Markham Vale Environment Centre Markham Lane Markham Vale Chesterfield S44 5HY
T: 01246 824437 F: 01246 828541 E: info@ukata.org.uk
Registered Office: 42 Market Street, Eckington, Sheffield, S21 4JH
Company number 06462721
ICO Reg. No. Z125 3123

7 COMPLAINTS PROCEDURE

- 7.1 The complaint must be received in writing with details of the matter complained about and any relevant documentation/evidence enclosed.
- 7.2 A party wishing to make a complaint to UKATA regarding a member must write in the first instance to: The Chairman, UKATA, Unit 10 Markham Vale Environment Centre, Markham Lane, Markham Vale, Chesterfield, and Derbyshire, S44 5HY.
- 7.3 Receipt of the complaint will be acknowledged and recorded in the Complaints Register within five working days of receipt.
- 7.4 The Association will write to the member concerned with details of the complaint and request the member's explanation and their interpretation of the allegations. The member will be asked to respond within 10 working days.
- 7.5 In general the Association is not able to provide a resolution service where disputes arise between members and their customers. Such matters are properly dealt with under the dispute resolution procedures contained within the contracts between the parties.
- 7.6 The Standards Committee (see 8.4) has the power to investigate if deemed necessary and make recommendations to the Association's Committee about members who do not comply with the requirements of the Association. Disciplinary action may be invoked.
- 7.7 A member will be given at least 28 days written notice, with reasons, of an intention to suspend or expel, and will be entitled to make representations in writing or in person at the Standards Committee.
- 7.8 In the event of expulsion, the member will be notified of the Standards Committee's decision within 10 working days of the resolution being considered.
- 7.9 A member has the right to appeal to the Chartered Institute of Arbitrators against the Committee's decision to expel but must give the Association 28 days notice following receipt of the resolution.
- 7.10 The decision of the arbitrator will be final.

8 DISCIPLINARY PROCEDURE

- 8.1 Matters of discipline shall be referred to the Standards Committee, who shall deal with such matters.
- 8.2 The Standards Committee may recommend any penalty that they feel is appropriate for any disciplinary matter. Upon formation of the Standards Committee the first action the Chairman will undertake will be to determine a clear and transparent Directory outlining the Penalties which may be prescribed for breaches of discipline. These Penalties may include, (but would not be exclusive) either suspension of membership or ultimately a recommendation to the Executive Committee for termination of membership. Such termination may only occur where the member has been given 21 days' notice in writing of the meeting at which such termination will be discussed and the member has had the opportunity to make representations to the meeting.
- 8.3 In the event that a member is suspended from UKATA, the following shall apply:-
- The company details shall be temporarily removed from the UKATA website for the suspension period and no refund made for any suspension of existing advertisements.
 - During the period of suspension the company under suspension shall not be allowed to attend any UKATA meetings and/or social events.
 - No refund shall be made for subscription payments.
 - The company under suspension shall not be allowed to advertise in any UKATA publications during the period of suspension.
 - The company under suspension shall not be asked to remove the UKATA logo during the period of suspension unless this ultimately leads to the termination of their membership.
- 8.4 The Standards Committee shall meet as and when required. The Standards Committee shall comprise a Chairman elected from the Executive Committee together with Lay Members independent of the Executive Committee selected from a pre-prepared list of volunteers relevant to the Category of the Member subject to disciplinary investigation.

When called to meet the Standards Committee shall comprise of 4 members including the Chairman. The Lay Members will be appointed on a case by case basis for the sole purpose of serving on the Standards Committee relevant to their Category of Membership. Ideally the Standards Committee shall comprise 4 individuals, although a minimum of 3 including the Chairman shall be considered to be quorate.

The Chairman of UKATA shall remain autonomous of the Standards Committee at all times, to allow a clear and transparent avenue for appeals where that should be necessary, while maintaining the necessary independence, integrity and impartiality.

9 AUDITS

9.1 Auditing Criteria:

All members shall demonstrate that they are complying fully with the requirements of training requirements outlined in Asbestos Licensed Contractors Guide and the standard required by the membership criteria. The areas of audit shall cover the following aspects and be relevant to the courses being delivered. Audits will be carried out annually in accordance with UKATA Audit requirements.

9.2 Audits will be undertaken by independent consultants employed by UKATA for the purpose of auditing. They shall be able to demonstrate the following:

- Commercial independence and impartiality;
- Absolute discretion and client confidentiality;
- Agreement to the requirements of the UKATA “Confidentiality Agreement”;
- A wide experience gained within the Asbestos industry, at all levels;
- Open and willing to audit by UKATA.
- Comprehensive knowledge of the requirements of the following:
 - HSE Guidance HSG210;
 - HSE Guidance HSG247 (particularly Training Chapter 4);
 - The Control of Asbestos Regulations 2006;
 - Approved Code of Practice L143

9.3 Successful candidates will be appointed as UKATA Auditors and be eligible to become Corporate Members of UKATA, at no charge, during their period of service. They will be entitled to display the UKATA Auditor logo on their website and business documentation while they act as a UKATA auditor. Further they will be provided with photo-identification which will be made available for examination upon request.

9.4 All Members shall be subject to an audit of the Training Delivery, which in the case of Category B and C Members shall also include an evaluation of the training venue against the UKATA Minimum Standard Requirements which are attached as Appendix 4

In circumstances where organisation Members at Category B and C have /use more than one training venue UKATA shall require such additional venues to be subject to a Facility Audit to determine the suitability of those premises against the UKATA Minimum Standard Requirements.

9.5 The fees for audits are charged in advance (the current level of fees are obtainable direct from the UKATA office and are displayed on the UKATA website). This fee will cover the costs of an auditor travelling to nominated site.

In rare circumstances where a Member organisation makes a specific request to have an audit of the Training Delivery undertaken at a remote venue for their internal requirements, UKATA reserve the right to require that Member to cover any additional costs incurred for travel / accommodation

UK Asbestos Training Association Ltd.
Unit 10 Markham Vale Environment Centre Markham Lane Markham Vale Chesterfield S44 5HY
T: 01246 824437 F: 01246 828541 E: info@ukata.org.uk
Registered Office: 42 Market Street, Eckington, Sheffield, S21 4JH
Company number 06462721
ICO Reg. No. Z125 3123

- 9.6 In advance of the audits the auditors shall be provided with copies of the Presentation Materials and any previous audits (where available) in order that as complete an understanding of the organisation and its materials can be available to the auditor.

In addition at the time of the Training Delivery audit the Member shall make available to the auditors a copy of the course materials including any presentations used, including hand-outs / exercises etc for the auditor to be able to authenticate that copy by signing it. The signed copy shall then be sent direct to UKATA by the Member to allow verification that the course delivered on the day of the audit is satisfactory with the materials provided for the initial verification.

- 9.7 UKATA shall utilise standard forms and documents which shall be required to be completed during the Audit process. Members are required to complete and sign the appropriate sections as necessary.

Auditors shall be required to remain silent on the outcome of the audit, although they may be prepared to offer advice and guidance. Any comment made by an auditor at the point of audit will not be binding upon UKATA. The decision as to the audit being satisfactory or otherwise is made by the Membership Committee, and ratified by the Executive Committee.

- 9.8 Copies of the completed Audit Report will be provided to Members as part of the feedback following verification and confirmation of the outcome by the Membership Committee.

Auditors will be appraised of the decisions of the Membership Committee (with reasons) after the decision has been determined.

- 9.9 UKATA will take every effort to ensure that a different Auditor will undertake audits in subsequent years after the initial audit to assist determine independence and integrity however there may be occasions when this is not always possible.

10 ARTICLES OF ASSOCIATION

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

Appendix 1

Training Definitions:

Category C

Category C covers the requirement for the provision of training for licensed Asbestos Removal Work. The training courses are defined as follows:

- New Operative/Operative Refresher
- New Supervisor/Supervisor Refresher
- New Manager/Manager Refresher
- Supervisory License Holder & Supervisory License Holder Refresher
- New Scaffolders/Scaffolders Refresher
- New Scaffold Supervisor/Scaffold Supervisor Refresher

Training courses for Category 1 training will follow the requirements contained in HSG 247 “The Licensed Contractors’ Guide”, and include the Classroom Modules 1-23 and the Practical Training Modules 24-27, as laid down in Appendix 1 of Chapter 4 of the Guide. Also in accordance with the approved Code of Practice L143, paragraph 124-136 inclusive and other pertinent guidance.

Category B

Category B covers the requirement for the provision of training for work with Asbestos that does not require a license. Training courses for Category 2 training will follow the requirements contained in the approved Code of Practice L143 “Work with Materials Containing Asbestos”, and in accordance with Regulation 10, paragraphs 124-130 inclusive. This will include appropriate Working Procedures outlined in the HSE publication HSG 210 “Asbestos Essentials Task Manual”.

Category A

Category A covers the requirement for the provision of Asbestos Awareness training only. The training course in Category 3 is limited to the requirements of Regulation 10, paragraphs 124-127 inclusive, in the approved Code of Practice L143.

In addition all training should be in accordance with UKATA’s syllabuses where these exist.

All of the above categories that require refresher training shall meet the requirements of CAR 2006 Regulations.

Appendix 2

Recognition of Contribution of Second Individual Course Tutor.

UKATA acknowledge that many Member training organisations use the services of more than one trainer/ tutor during the delivery of some Categories of Asbestos Training.

Further UKATA believe that it is appropriate for the contribution made in such circumstances to be accounted for to allow for both trainers to become UKATA recognised trainers provided certain minimum criteria is met.

1. Both trainers are involved in both the theory and practical training elements of the course. This recognition is not currently applicable to trainers who only deliver practical elements of training.
2. The minimum contribution allowed in both theory / practical elements will be 35% of the time by either trainer / tutor. (Ideally the split should be 50:50)
3. The potential for the award will be at the discretion of the auditor present during the training, who shall identify this on the Audit Report for consideration by the Membership Committee
4. The Membership Committee shall consider the view of the auditor in making the award.
5. Representation by Member organisations to the Membership Committee to make the award will result in disqualification.

NB. A further administration fee will be payable in advance of the Certification being issued in the event of the second award of being made. Please refer to the UKATA website or contact the UKATA office for details of the additional fees payable

Appendix 3

Candidate Assessments

When assessing candidates a TP must ensure that the following protocols are observed:-

- Candidates must be positioned to prevent any copying or collusion with other candidates.
- Candidates must complete their written assessments without communicating with other candidates.
- Candidates will be allowed to refer to their own course notes, but not the course manuals provided by the TP.
- TP's must be able to effectively communicate training course information and assessments according to candidate's language and learning abilities. This must be assessed prior to undertaking any course. Employers must notify TP's of any known communication or learning difficulties of any nominated candidate prior to courses taking place.
- Candidates who fail their assessments will be allowed to re-sit an alternative assessment depending upon an analysis of their shortfall in the knowledge leading to the assessment failure.
- TP's may stop training or remove candidates from classes who in their opinion and after fair warning are deemed to be cheating or colluding during assessments, or are disruptive, abusive, non-responsive, under the influence of alcohol or drugs, or fail to conduct themselves in a safe manner, or are deemed a risk on any reasonable grounds. Such instances will be reported to their Employer, HSE and circulated to other TP's
- TPs have the right to refuse entry of any candidate and are not obliged to operate any course.
- Upon prior agreement and notification to the TP by employers, provision will be made by the TP for candidates who may have problems reading the assessment papers, for instance, due to Dyslexia. Suitable and reasonable allowances may be made by the TP to assist such candidate's participate through training and undertake assessments.

Appendix 4.

UKATA MINIMUM STANDARDS FOR TRAINING CENTRES

1. Delegate Minimum Standards

- 1.1 Physical layout must be comfortable for delegates undertaking training.
- 1.2 Presentation equipment to be of a minimum expectation of the following:
- Digital projector
 - Screen/integrated systems
 - Flip chart
 - Video delivery media unit (if required)
- 1.3 Training facility must comply with all relevant Health and Safety Regulations.
- Building Risk Assessment
 - Induction material for delegates to include fire evacuation procedures and emergency planning.
 - First aid facilities
- 1.4 To provide satisfactory welfare provision that meets legal requirements.
- WC and hand washing facilities
 - Place to consume refreshments
 - Drinking water readily available
 - Adequate heating and ventilation
- 1.5 Training facility to have relevant reference materials, narrative documents and ACOPS Guidance.
- Health and Safety at Work Act 1974
 - Management of Health and Safety Regulations 1999
 - The Control of Asbestos Regulations 2006
 - The Asbestos Contractors Guide HSG 247
 - L143
 - L127
 - All other asbestos guidance notes (contained in the HSE reading list)
 - Hazardous Waste Regulations 2005
 - All negative pressure units, H type vacuums, wet strip machines (purchased after January 2005 must be compliant with PAS 60) (purchased after 2009 BS 8520)

2.0 Practical Training Area

- 2.1 The practical training area must be of a suitable size to allow the:-
- Construction of enclosures
 - Construction of air locks
 - Construction of bagging locks
 - All associated plant and equipment available
 - To be able to connect hygiene unit onto enclosure or transit route detailed
 - Fully operational hygiene units which comply with HSG247 (chapter 8) preferably with viewing panels

2.2 Risk assessment for training areas

3. Equipment and Required Standards

- Wetting unit with a variety of needles suitable for unit(s) or scope from T.N.A
- Spraying (unit) with associated attachments
- Wetting agents
- Absorbent and non absorbent materials
- Negative pressure units standard with all associated attachments eg roving heads, pre-fillers (DoP)
- A minimum of 2 x H type vacuums (DoP)
- Smoke machine
- Materials to construct enclosures, airlocks and bag locks in accordance with HSG247
- Polythene sheeting, adhesive tape, spray adhesive (after risk assessment), viewing windows

Full range of tools to:

- Construct an enclosure, airlocks and bag locks
- Facilitate removal of absorbent and non absorbent materials
- Enable cleaning down process of enclosure, air locks and bag locks
- Disposable working coveralls – range of sizes and colours
- (requirement to be Cat 5) BS EN 13189-1
- Primary decontamination equipment – buckets for water, sponges, brushes, rags or wipes
- Decontamination equipment within hygiene unit, including shower gel, shampoo, nail brushes and towels
- Red, clear labelled asbestos waste bags
- Electrical supply, cables etc.
- Suitable number of full face respirators, with fully charged batteries, half masks and disposable masks.