



Appeals Procedure



Arboricultural Association

Procedure for Appealing against Assessment Decisions for the **AA Registered Consultant Scheme** and the **ARB / Utility Approved Contractor Schemes**

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1 Introduction

- 1.1 The Arboricultural Association (AA) Professional Committee (PC) is responsible for setting the standards of the Association’s accreditation schemes and for hearing any appeals against assessment decisions. All appeals will be considered in an objective, fair and timely way.
- 1.2 This document sets out the appeals process for all assessment decisions under the AA accreditation schemes:
 - Arboricultural Association Registered Consultant (AARC)
 - Arboricultural Association ARB Approved Contractor (ArBAC)
 - Arboricultural Association Utility Approved Contractor (UAC)
- 1.3 The appeals process only considers the grounds of appeal and does not include a re-assessment.



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2 How assessment decisions are communicated to applicants

- 2.1 **AARC Application assessment decision:** The AA will notify applicants of the result of their application to become a member of the AARC scheme in writing, as set out in the AARC Application Guide. Where the application has been unsuccessful, the notification will be accompanied by copies of the assessment forms that identify the areas in which the applicant was found to be deficient and will include suggestions for improvement.
- 2.2 **AARC Quality Assurance assessment decision:** The AA will notify applicants of the result of the Quality Assurance Panel decision in writing, as set out in the AARC Quality Assurance Process document. In the case of a Quality Assurance Panel decision of Major Non-Compliance, RC status will be suspended and the consultant will be removed from the directory until such time as the Quality Assurance Panel's recommendations have been met or an appeal is upheld.
- 2.3 **Approved Contractor (ArbAC and UAC) assessment decision – new applicant:** The AA will notify a contractor of the result of their assessment to become a member of the scheme both verbally on the assessment day and confirmed in writing after validation by the Scheme Manager.
- Where the assessment has been unsuccessful, the report will identify the areas in which the contractor was found not to meet the standard, together with guidance on what is required to meet the standard.
- 2.4 **Approved Contractor (ArbAC and UAC) assessment decision – existing scheme member:** The AA will notify a contractor of the result of their assessment to retain membership both verbally on the assessment day and confirmed in writing after validation by the Scheme Manager.
- Where the assessment has been unsuccessful, the report will identify the areas in which the contractor was found not to meet the standard, together with guidance on what is required to meet the standard.
 - In the case of a 'fail' decision, once this is validated by the Scheme Manager, Approved Contractor status will be suspended and the contractor will be removed from the directory until such time as the assessor's recommendations have been met or an appeal is upheld.

3 Grounds for appeal

- 3.1 Where an assessment under an AA accreditation scheme is unsuccessful, there may be grounds for an appeal.
- 3.2 Disagreement with the decision of the AA does not constitute grounds for an appeal.
- 3.3 An appeal can only be made on one or more of the following grounds:
1. *The assessment criteria for the relevant scheme were misinterpreted or incorrectly applied by the assessor(s).*
 2. *An administrative or procedural error was made by the AA or its representatives which materially affected the ability of the assessor(s) to make a reasoned decision.*
 3. *Extenuating circumstances occurred, during the assessment, submission or interview, of which the assessor(s) were not aware and which materially affected the outcome of the assessment.*

4 Administration fee

- 4.1 The AA will not be responsible for any costs incurred by the appellant regardless of the outcome of the appeal.
- 4.2 A fee of £250 plus VAT is payable to the AA to administer the appeal. This will be refunded if the appeal is upheld. The appeal fee must be forwarded with the appeal documents: the appeal cannot be validated without the required fee.



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5. Timescales

- 5.1 Anyone making an appeal must do so in full within 4 weeks of the date of the written confirmation of the result of their assessment.
- 5.2 Target timescales for the process that will be followed after an appeal has been lodged are set out in detail in sections 6: Appeals Process, 7: Invalid Appeals and 8: Valid Appeals. The AA will do all it can to ensure a thorough and timely review of appeals.

6 Appeals process

- 6.1 All appeals must be made in writing to the Chief Executive of the AA at its offices, enclosing the appeal fee:

Arboricultural Association

The Malthouse,
Stroud Green,
Standish,
STONEHOUSE,
Gloucestershire,
GL10 3DL

Telephone: **01242 522512**

Email: admin@trees.org.uk

Website: www.trees.org.uk

- 6.2 An appeal must set out on what ground(s) it is being made, with reference to the list in section 3.3. Appellants may submit supplementary information in support of their appeal, but must ensure that it clearly references the ground(s) for appeal and is submitted at the same time as the appeal is made. Updated versions of documents presented with the original submission will not be accepted under any circumstances.
- 6.3 Within 2 weeks of receipt of an appeal, the AA will:
 - validate the appeal, ensuring that it has been submitted on time, details the specific ground(s) for the appeal, and includes the required fee;
 - acknowledge receipt of the appeal; *and*
 - advise the Chair of PC and the relevant Scheme Manager that it has been received.

7 Invalid appeals

- 7.1 An appeal will be invalid and will be rejected:
 - if it is not submitted within 4 weeks of the date of the written confirmation of the result of the assessment in question;
 - if at least one of the stated grounds for appeal in section 3.3 is not specified in the submission; *or*
 - if the required fee is not included at the time of submitting the appeal.
- 7.2 In such circumstances:
 - the appellant will be advised of the reason why the appeal has been rejected;
 - the Chair of PC will be advised and will inform the Committee at the next meeting; and
 - the relevant Scheme Manager will be advised.
- 7.3 ***There is no right of appeal after the 4-week period has expired.***



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8 Valid appeals

- 8.1 Following the validation of an appeal, the following procedure will apply.
- 8.2 Within 2 weeks, the Chair of PC will set up an Appeal Panel of 3 people to review the case. The Appeal Panel can include the Chair of PC and will include another current scheme assessor for continuity of assessment standards. The Appeal Panel will elect a chair.
- 8.3 The AA will advise the appellant of the composition of the Appeal Panel in writing, allowing the appellant 1 week from the date of the letter to raise any concerns they have regarding conflict of interest.
- 8.4 The Appeal Panel will consider the case (with the appellant's name redacted to ensure confidentiality as far as is reasonably possible) and determine an outcome. Where possible this will be within 6 weeks of the date when the constitution of the Appeal Panel was agreed.
- 8.5 The Chair of the Appeal Panel will advise AA HQ of the progress of the appeal, who will in turn inform the appellant if any delays are expected that may affect the given timescales

9 How an appeal decision is communicated

- 9.1 Following the conclusion of the panel's assessment of the appeal:
 - The Chair of the Appeal Panel will advise AA HQ and the Chair of PC (if not a member of the Appeal Panel) of the outcome of the appeal and provide a report for the AA outlining the reasons for their decision.
 - The AA will advise the appellant of the outcome of the appeal in writing within 2 weeks of the decision, providing the reasons for the Appeal Panel's decision.
 - The Scheme Manager will be advised of the outcome of the appeal so that any material factors can be taken into account to inform and improve future assessments.
 - The Chair of PC will inform the Committee of the outcome of the appeal at its next meeting.
- 9.2 **The decision of the Appeal Panel is final and there is no further right of appeal.**

10 If an appeal is upheld

- 10.1 Where the Appeal Panel upholds the appeal on one or more of the grounds set out in section 3.3, the appeal fee will be refunded in full. Where appropriate, the appellant will be offered a re-assessment, a re-interview, or an AARC Quality Assurance re-submission. If the appellant wishes to take advantage of this offer, they must accept it in writing within 4 weeks of the offer being made by the AA.
- 10.2 **Registered Consultant scheme re-assessment or re-interview**

A Registered Consultant re-assessment or re-interview will be undertaken within 8 weeks of acceptance of the offer, will be based on the original portfolio, and will be undertaken by assessors who did not participate in the original assessment process. Applicants will be notified of the outcome of the re-assessment or re-interview in writing, within 2 weeks of it taking place.
- 10.3 **Registered Consultant scheme Quality Assurance re-submission**

An AARC Quality Assurance re-submission will be included as part of the next scheduled Quality Assurance process, and the report to be assessed will be an alternative chosen from the original submission.



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10.4 Approved Contractor Scheme (ARB Approved and Utility Approved) re-assessment

- An Approved Contractor **desktop re-assessment** will be undertaken within 8 weeks of acceptance of the offer and will be based on the original information provided on or before the assessment day for the original application (updated documents will not be accepted under any circumstances). A desktop re-assessment will be undertaken by a Lead Assessor who was not involved in the original assessment or by the Scheme Manager. Applicants will be notified of the outcome of a desktop re-assessment within 2 weeks of the re-assessment.
- An Approved Contractor re-assessment involving **site visits** will normally be undertaken within 12 weeks of acceptance of the offer by a Lead Assessor who was not involved in the original assessment or by the Scheme Manager. Applicants will be notified of the outcome of a site-based re-assessment verbally on the day; this will be followed by written confirmation within 2 weeks.

Version	Revision	Date	Authorised by
1	New document compiled	January 2021	Simon Richmond
2	Revised to include Registered Consultant Quality Assurance Process and Utility Approved Contractor Scheme	July 2021	Simon Richmond