

SCHEDULE

Regulation 5

APPEALS

Appeals – general

1.—(1) — Any person who makes an application for accreditation or is accredited by UKAS and is dissatisfied with a decision of UKAS in the exercise of its functions under the EC Regulation (“the appellant”) may by notice in writing served on UKAS appeal against that decision.

(2) A notice served pursuant to sub-paragraph (1) must specify the decision which is subject to the appeal and the grounds of the appeal.

(3) Any appeal must be made within one month of the notification in writing of the decision in question to the appellant.

(4) UKAS shall consider the appeal and inform the appellant in writing of the outcome within one month of the receipt of notice of the appeal.

(5) If, following consideration of the appeal by UKAS, the appellant is still dissatisfied with the decision he may request that the matter be referred to an appeal review panel constituted in accordance with paragraph 2.

(6) A request pursuant to sub-paragraph (5) must:

- (a) be made within 3 months of the notification in writing to the appellant of the outcome of the first appeal;
- (b) be made in writing;
- (c) specify the decision in respect of which the appeal is made and the grounds of the appeal; and
- (d) be accompanied by any other documents on which the appellant relies.

Constitution of appeal review panel

2.—(1) On receipt by UKAS of a request under paragraph 1(5), an appeal review panel shall be appointed in accordance with this paragraph.

(2) An appeal review panel must consist of a person to chair it and two other members.

(3) The chairman or a member of an appeal review panel shall:

- (a) not be an employee or a director of UKAS;
- (b) have no commercial interest in the appeal being considered; and
- (c) not have been personally involved in any matters relating to the appeal.

(4) The Secretary of State may appoint an official of a government department to be a member of the appeal review panel (other than the chairman) but the Secretary of State may in writing indicate that he does not wish to make such an appointment.

(5) Subject to any appointment under sub-paragraph (4), the chairman of UKAS shall appoint the chairman and members of the appeal review panel.

(6) The appellant may object to the selection of all or any of the members of the appeal review panel (including any member nominated by the Secretary of State), after which the chairman of UKAS must select a replacement member or members.

(7) No objection shall be made to any subsequent members appointed by the chairman of UKAS under sub-paragraph (6)

Procedure where appeal review panel is constituted etc

3.—(1) If the appeal review panel determines it necessary, a hearing shall be held at which both the appellant and UKAS may present their case.

(2) Where a hearing is held:

(a) with the agreement of the appeal review panel, experts and witnesses may also be called to attend the hearing; and

(b) any supporting documentation from the appellant must be submitted to the person chairing the appeal review panel at least 5 working days ahead of the hearing.

(3) The appeal review panel must consider the evidence and make a recommendation in writing to the Chief Executive of UKAS, within one month of the constitution of the appeal review panel.

(4) The Chief Executive of UKAS must make the final decision and inform the appellant in writing of the outcome of the appeal, within 3 working days of receipt of the recommendation from the appeal review panel.

(5) A copy of the recommendations of the appeal review panel must be provided to the appellant.

(6) The appellant may terminate the appeal review panel process at any time by giving notice in writing to UKAS withdrawing the appeal.

(7) In this paragraph “working day” mean any day other than Saturday, Sunday, Good Friday, Christmas Day or a day that is in any part of the United Kingdom a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(1).

(1) 1971 c.80.