



## **APPEALS PROCEDURE FOR REVOCATION OF RED TRACTOR ASSURANCE SCHEME MEMBERSHIP**

This Appeals Procedure will be sent to a member of a Red Tractor sector scheme (“**Scheme**”) in the event that a decision is taken by Red Tractor Assurance (“**RTA**”) to revoke that member’s membership of the Scheme. The member will be entitled to appeal against such a decision in accordance with this Appeals Procedure.

In the first instance any complaints will be handled following the documented Complaints procedures and a decision will be made during that process as to whether the lead is taken by the Certification Body the ultimate sanction being suspension or withdrawal of the certificate, with an appeal through the CB’s procedure; or by RTA, the ultimate sanction being revocation of membership, usually for a breach of Scheme Rules, when this Appeals Procedure will apply.

This Appeals Procedure begins at the point where a decision has been made by RTA to revoke a member’s membership of a Scheme.

**The principles underlying this Appeals Procedure will be to take decisions that are based on facts, the Scheme Rules and other stated requirements of the Scheme, fairness, and proportionality.**

- 1 RTA will notify the member in writing of the revocation of membership which will normally be with immediate effect from the date of such letter. The written notice will also so far as practically possible: -
  - 1.1. state the reasons for the revocation including which RTA Rule(s) or Product Standard(s) have been breached or not complied with or are being relied upon.
  - 1.2. indicate whether and if so when a new application for membership from the same business or in respect of the same business premises might be considered.

- 1.3. inform the member of the right to appeal, the time limit for so doing and the procedure by way of a copy of this document.
  - 1.4. remind the member that, with immediate effect, it should not make any representation or claim, whether express or implied, that it is an assured member of the Scheme(s) and that it should cease to use any logos associated with the Scheme.
2. The member is entitled to appeal within 14 full days from the date of the letter mentioned in paragraph 1. The appeal must be received in writing, forwarded by email to [memberhelp@redtractor.org.uk](mailto:memberhelp@redtractor.org.uk), stating the reason(s) for disputing the decision and wherever possible, should include copies of any or all supporting documentation relied upon. Verbal communication including by telephone should be avoided in order not to prejudice the appeals procedure and RTA staff will not discuss the details of a case with the member from the time of issuing the notice mentioned in paragraph 1 until the appeal is resolved.
3. Upon receipt of an appeal application, RTA will appoint a staff member, independent of the revocation decision making process, to review the grounds of appeal and all supporting documentation relied upon by the appellant. This appointed person will be deemed the point of contact for the revoked member for duration for the tribunal process. Where necessary clarification may be sought from the appellant on any facts or grounds for appeal mentioned in the appeal application.
4. RTA may at any time prior to an appeal hearing, by written notice to the member in question, revoke any previous decision to revoke the member's membership of the Scheme.
5. A tribunal comprising not less than [3] persons will be appointed by RTA to consider the appeal, one of whom will act as Chair of the appeal hearing. RTA will take all reasonable steps to ensure that the panel is independent, impartial and competent provided that at least one member of the tribunal shall be a member of the RTA main board of directors and at least one should be independent of any role within the Red Tractor governance.
6. RTA will notify the appellant in writing of the time and place of the appeal hearing and of the members of the panel. The appellant is entitled to question the suitability of any member of the tribunal by notifying RTA in writing within 3 days of the date of this notification giving the reasons for objection. Such an objection will be considered by the Chair of Red Tractor Assurance and alternative member(s) of the panel shall be appointed if, in the Chair's sole judgement, the reasons for objection are reasonable. If no objection is raised in writing within the 3-day period, the panel members will be deemed acceptable to the appellant. The appeal hearing will, wherever possible, take place within 30 days after RTA's receipt of the appeal application.

- 7 Prior to the appeal hearing taking place, RTA will prepare a bundle of documents for the use of the panel and the appellant which should be sent to the appellant as soon as reasonably practicable before the appeal hearing and, in any event, not less than 7 days before. The bundle of documents should normally consist of the following documents: -
- 7.1. a copy of this Appeals Procedure which includes (below) the procedure to be followed at the appeal hearing.
  - 7.2. a copy of the notification from RTA of revocation of membership.
  - 7.3. a copy of the appellant's written appeal application including any attached documentation relied upon by appellant.
  - 7.4. a copy of the notification from RTA of the appeal hearing.
  - 7.5. copies of any further written communications between RTA and the appellant or other documents considered by RTA to be relevant to the matter in hand.
- 8 If the appellant wishes any additional documents to be considered by the panel these should, if possible, be sent in advance to RTA for inclusion in the bundle. If any such documents are tabled by the appellant at the appeal hearing at least five additional copies must be provided for the use of panel members and other attendees over and above the copies to be used by the appellant and their representative(s), if any.
- 9 The appellant may be represented in person at the hearing by themselves and / or a nominated representative who might be a solicitor. RTA should be notified in advance of attendees and will reserve the right to limit numbers to what is reasonable. Any nominated representative attending in the absence of the appellant should provide written evidence of their authority to act on behalf of the appellant. Where the appellant is a limited company or partnership, it may be represented by a solicitor or nominated representative who should be a director or partner of the appellant. The appeal hearing will also be attended by RTA representative(s) who should be at least of the individual(s) responsible for the decision to revoke membership.
- 10 The procedure which will be followed at the appeal hearing is as follows: -
- 10.1. Introduction by the Chair who will introduce themselves and the other members of the panel, explain the order of representations to be followed during the appeal hearing and note the possible outcomes which will be either to overturn, modify or uphold the original decision.
  - 10.2. The appellant and/or their representative(s) may raise any questions as to the procedure to be followed, and the panel may retire to consider their response to any such questions.

- 10.3. The RTA representative(s) will outline their reason(s) for revoking the member's membership of the Scheme(s).
- 10.4. The appellant (or their representative) may respond to the RTA representative(s) and explain the grounds for appeal against such revocation of membership. The appellant's response may include questions being asked by the appellant of the RTA representative(s).
- 10.5. Members of the tribunal may, at any time, ask further questions of the appellant, their representative or the RTA representative(s) concerning the grounds for revocation of membership, the grounds of appeal or as to the content of any documents relied upon by either the appellant or RTA.
- 10.6. The appellant (or their representative) may make a final summary of their appeal.
- 10.7. The hearing will end, and the tribunal will consider their decision which will be communicated in writing subsequently and not on the day of the hearing.
- 10.8. If required by RTA a lawyer instructed by RTA, will be present during the course of the appeal hearing for legal guidance for the benefit of RTA.
- 10.9. The appeal hearing will be recorded to provide a record of the proceedings. A transcript of the hearing may be made available to the appellant as soon as reasonably practicable after the hearing upon written request and providing the appellant pays the transcription costs.
- 11 The tribunal will notify the appellant of its decision in writing within 30 days of the hearing. The decision of the panel will be final and binding. Only one appeal will be allowable for a revocation of membership arising from the same set of circumstances.