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# Introduction

In 1988 the first code of practice (now L117) covering operator training for rider operated lift trucks was produced (as COP26). L117 was last revised in 1999. L117 provides guidance regarding the requirements for lift truck operators to have undergone basic training. The supplementary guidance accompanying the code of practice has always included reference to bodies recognised as “competent to accredit and monitor organisations to train instructors and/or train, test and certificate operators”. This recognition was designed to “help employers select training organisations or lift truck suppliers who offer a good standard of training”.

In 2010 the HSE held a conference to address the way forward for L117. Subsequent consultation, led to the HSE deciding that it no longer felt it necessary to continue to recognise these bodies in L117 or manage the accrediting bodies scheme on a day to day basis. They wished to “hand the scheme back” to the bodies themselves to manage and for the HSE to take an advisory role. HSE as the regulator provides advice to the new association on any points that arise in relation to the ACOP.

Much time and effort has been spent by the accrediting bodies creating a new way of working together for the benefit of the workplace transport industry and at the forefront of our minds during this process has been the improvement of training standards, coupled with much clearer transparency for those utilising the accrediting bodies system.

The new association formed as a result of this effort is the “Accrediting Bodies Association - Workplace Transport (ABA) and this code of practice sets out our aims, objectives, criteria for membership and much more.

Members of the ABA give their time and expertise voluntarily, with no funding or financial assistance. All events and development cost for standards, are equally shared amongst the current members.

The workplace transport industry will benefit from these changes and will, we hope, find it simpler to work with us to increase productivity and profitability whilst also reducing workplace incidents, injuries and deaths.

# Criteria for Membership

1. Accrediting Bodies must provide evidence that they are continuously maintaining their eligibility to be an Accrediting Body and the structure and performance of the body shall be such that it fosters confidence in its accreditation systems.
  - 1.1 Accrediting Bodies must be an entity with a demonstrable trading history and shall have the financial stability and resources required for the operation of an accreditation system. At least two sets of accounts prepared by professionally qualified and registered external accountants are required for the entity concerned or its parent company.
  - 1.2 Accrediting Bodies must have corporate governance which should include (as a minimum)
    - 1.2.1 Quality Assurance Policy
    - 1.2.2 Equal Opportunities Policy
    - 1.2.3 Data Protection Policy and ICO Registration
    - 1.2.4 Health & Safety Policy
    - 1.2.5 Anti-Bribery and Corruption Policy
    - 1.2.6 Complaints Procedure
    - 1.2.7 Procedure for investigating malpractice/maladministration
    - 1.2.8 Relevant Insurance (adequate arrangements to cover liabilities arising from all operations/activities)
    - 1.2.9 Appeals procedure
    - 1.2.10 An organisational chart
    - 1.2.11 A conflict of interest policy

The policies and procedures should be supported by, and evaluations regularly undertaken and reported to, senior management and understood by all accrediting body employees/sub-contractors/representatives.

- 1.3 Accrediting Bodies must hold and maintain at all times ISO9001:2015 registration.
- 1.4 All Accrediting Body monitoring officers (i.e. Those who undertake audits of courses, training providers and evaluate new instructor applications) must hold a Formal Audit Qualification, and have held a recognised lift truck instructor qualification, be DBS checked (every 3 years or earlier) or equivalent and able to demonstrate continued professional development.
- 1.5 Accrediting Bodies must ensure there is effective communication between management, administration and the monitoring team.
- 1.6 Accrediting Bodies are to provide the auditor with details of their activity in the form of a pre audit questionnaire (see Appendix 6).

- 1.7 Accrediting Bodies (AB) must ensure the activities of the body do not affect its objectivity. It shall not directly deliver or manage practical operator training. There must be a conflict of interest policy which explains how the AB maintains and protects objectivity at an organisational level as well as at individual auditor/monitoring officer level. The policy must include the approach taken with regard to any organisations and individuals which are contracted by the Accrediting Body to provide services on behalf of the body. The policy must clearly outline how individuals, processes, roles and responsibilities are kept separate and independent. No individuals who sub contract to an accredited training provider can audit/monitor the same accredited training provider on behalf of the AB.
2. Sanctions
  - 2.1 Accrediting Bodies are to have in place contractual agreements with the Training Providers which shall include the following;
    - 2.1.1 Evidence of ABA membership
    - 2.1.2 A clear statement of its rules and procedures for granting, maintaining, extending, suspending and withdrawing accreditation
    - 2.1.3 Clear and transparent information about the fees charged to applicants
    - 2.1.4 Information about procedures for handling complaints/appeals/disputes
  - 2.2 Contravention of the contractual requirements set by the Accrediting Bodies; fraudulent activity, misrepresentation, working outside of the individual AB's accreditation criteria, inappropriate behaviour and falling below the defined standards, will incur sanctions.
  - 2.3 A widely accepted model will form the basis upon which the sanctions will be applied by the Accrediting Bodies i.e. The starting point (level 1) being that the Accrediting Body impose an action plan on the Training Provider.
  - 2.4 Accrediting Bodies must clearly inform Training Providers, in writing, that a sanction has been imposed.
  - 2.5 The written action plan between the Accrediting Body and Training Provider will detail the non compliance issue(s), the criteria being contravened and the required action to be implemented to rectify the non compliance issue and the required timeframe.
  - 2.6 When an Accrediting Body suspends or withdraws the accreditation of a Training Provider or an Instructor's registration, it will notify all ABA members and the appointed body/Auditor.
  - 2.7 Accrediting Bodies will ensure that they maintain regular contact with each other and the appointed body. This will reduce possible fraudulent activity (e.g. a Training Provider having their application for accreditation rejected or revoked by one Accrediting Body and then moving on to another Accrediting Body to make a new application for accreditation).
  - 2.8 When an Accrediting Body suspends or withdraws the accreditation of a Training Provider or the registration of an Instructor for reasons of malpractice or for having engaged in fraudulent activity, no other ABA member will consider any application for accreditation or registration from said Training Provider or Instructor for a period of 5 years from the date that their accreditation or registration was suspended or withdrawn. In line with the requirements of section 2.6, when the other ABA members are informed of any suspension or withdrawal of a Training Provider's accreditation or Instructor's registration they will also be informed if it was due to malpractice or fraudulent activity. N.B. No specific or personal/sensitive information will be shared.



3. Training Provider – Minimum Requirements (e.g courses/facilities)
  - 3.1 Training Providers must have a defined programme for every course and associated course documentation (e.g. training syllabi and course materials), which is pre-approved or created by the Accrediting Body.
  - 3.2 Training syllabi must be comprehensive and include as a minimum;
    - 3.2.1 The aims and objectives of the course
    - 3.2.2 Schedule of Training or timetable
    - 3.2.3 detailed course programme and content
    - 3.2.4 duration of course dependent on ratio
    - 3.2.5 testing criteria and documentation
  - 3.3 The Training Providers must ensure sites have the relevant and necessary facilities on site and that MHE Equipment is compliant with current legislation and evidence of current inspection is available.
  - 3.4 Training Providers must adhere to Accrediting Body criteria.
  - 3.5 Prior to certification, Accrediting Bodies should ensure that Training Providers have objectively assessed and documented the knowledge, skills and abilities of the trainees.
  - 3.6 As a guide Lift Truck courses for novice trainees are expected to last 3-5 days and Training Providers will be expected to provide objective assessments and related documentation as evidence to support any instances where shorter Lift Truck courses have been delivered to novices. Such evidence should be made available to the Accrediting body for inspection when requested
4. Central Registration System
  - 4.1 Each Accrediting Body is to have in place their own certification registration system on which all basic (novice, experienced/existing, conversion, refresher) training delivered by the AB's accredited TP's is verified and recorded. The accrediting body shall take all reasonable steps necessary to ensure the training delivered by the TP has met all criteria and will not release certification/unique ID number until such checks have been completed. The accrediting body shall also ensure that all accredited training delivered by the TP is recorded on the AB's certification registration system and will apply appropriate sanctions should any omissions be identified.
  - 4.2 The related database must include details of;
    - 4.2.1 Course start date
    - 4.2.2 Course end date
    - 4.2.3 Course test date
    - 4.2.4 Course duration
    - 4.2.5 Instructor name
    - 4.2.6 Instructor registration number

- 4.2.7 Examiner name
- 4.2.8 Examiner registration number
- 4.2.9 Training provider name and number
- 4.2.10 Unique ID number
- 4.2.11 Full name of the successful trainee
- 4.2.12 Date of birth
- 4.2.13 Course Type
- 4.2.14 Truck Type
- 4.2.15 Category
- 4.2.16 Motive Power
- 4.2.17 Course ratio

## 5. Auditing

- 5.1 Training Providers are to be audited at least annually.
- 5.2 Audits must include audit of the documentation (e.g. training syllabi, training programmes, course materials and records of training including verification of information uploaded to central database) and observation and assessment of course delivery.
- 5.3 A monitoring visit will take at least as long to complete as is required to achieve that outlined in 5.2 and will be dependent upon the size of the training provider. Larger Training Providers will require additional monitoring time that reflects their size (i.e. The number of courses, trainees and Training Instructors).
- 5.4 In addition Accrediting Body monitors will ensure the Training Providers have:
  - 5.4.1 Appropriate Insurance
  - 5.4.2 Training records (kept for minimum of 6 years or held electronically)
  - 5.4.3 Systems and policies in place to ensure compliance with all applicable data protection laws and rules
  - 5.4.4 Adherence to the appropriate legislation and regulation
  - 5.4.5 MHE Equipment that is compliant with current legislation and evidence of current inspection is available

## 6. Communication

- 6.1 The Training Provider will receive, where possible, verbal feedback on the day of the visit and written feedback will be received by the Training Provider after the monitoring visit.
- 6.2 Service level agreements between Accrediting Bodies and Training Providers must be in place.
- 6.3 Accrediting Bodies are responsible for ensuring that Training Providers are clear on the criteria that they must comply with to ensure accreditation status is achieved/maintained.

# Sources of Evidence

(To Support Criteria for membership & Sanction Level for Non-Compliance)

These sanction levels are guidance only. The appointed auditor will use their discretion and expertise when issuing an audit outcome. They will look at the overall audit findings and will apply a sanction level appropriate to the findings; taking into account the guidance shown below.

Criteria	Example Sources of evidence	Sanction level
1.1	Companies House registration number. Official company accounts for the last 2 years.	1-2
1.2.1	Formal written policy including a review date, with evidence of implementation and availability to accredited organisations/individuals. Employees/sub-contractors/representatives are able to explain the policy upon questioning.	1-2
1.2.2	Formal written policy including a review date, with evidence of implementation and availability to accredited organisations/individuals. Employees are able to explain the policy upon questioning.	1-2
1.2.3	Formal written policy including a review date, with evidence of implementation and availability to accredited organisations/individuals. Employees are able to explain the policy upon questioning.	1-3
1.2.4	Formal written policy including a review date, with evidence of implementation and availability to accredited organisations/individuals. Employees are able to explain the policy upon questioning.	1-3
1.2.5	Formal written policy including a review date, with evidence of implementation and availability to accredited organisations/individuals. Employees are able to explain the policy upon questioning.	1-3



Criteria	Example Sources of evidence	Sanction level
1.2.6	<p>Formal written procedure including a review date, with evidence of availability to accredited organisations/individuals.</p> <p>If evidence of complaint(s) having been made AB should be able to demonstrate compliance with the policy.</p> <p>Employees/sub-contractors/representatives are able to explain the policy upon questioning.</p>	1-3
1.2.7	<p>Formal written procedure including a review date, with evidence of availability to accredited organisations/individuals.</p> <p>If evidence of malpractice/administration having occurred/been investigated AB should be able to demonstrate compliance with the procedure.</p> <p>Employees/sub-contractors/representatives are able to explain the procedure upon questioning.</p>	1-2
1.2.8	Insurance policy number(s) and renewal date(s).	1-3
1.2.9	<p>Formal written procedure including a review date, with evidence of availability to accredited organisations/individuals.</p> <p>If evidence of an appeal having been made exists the AB should be able to demonstrate compliance with the procedure.</p> <p>Employees/sub-contractors/representatives are able to explain the procedure upon questioning.</p>	1-2
1.2.10	<p>Organisational chart clearly outlining roles, responsibilities, authority and accountability.</p> <p>Employees/sub-contractors/representatives are able to explain the organisation structure upon questioning.</p>	1-2
1.3	ISO9001:2008 registration certificate.	1-2
1.4	CVs for each monitoring officer, accompanied by appropriate copies of certification and verification of CV accuracy.	1-2
1.5	<p>Minutes of team meetings.</p> <p>Records of communication.</p>	1
1.6	Fully completed pre-audit reports are received by the auditor in a timely manner.	1
1.7	Auditor should be unable to find any evidence (e.g advertising, reports from customers, training records) of the AB delivering operator training.	4-5
2.1.1-2.1.4	AB's are able to produce signed documented contractual agreements (which include all of the required information) with their TP's upon request from the Auditor. These requests will be made at random.	1-3

Criteria	Example Sources of evidence	Sanction level
2.2	<p>AB will be able to provide actual examples to the Auditor of sanctions being placed on TP's as a result of non-compliance identified at monitoring and from other qualitative information such as certification and whistleblowing.</p> <p>Examples will be compliant with AB's own sanctions policy.</p>	1-5
2.3	<p>Formal written sanctions policy including a review date with evidence of availability to accredited organisations/individuals.</p> <p>Employees/sub-contractors/representatives are able to explain the policy upon questioning.</p>	1-2
2.4	<p>AB will be able to provide actual examples of action plans between the Accrediting Body and Training Provider which detail all requirements specified in 2.4.</p>	1-3
2.5	<p>AB will be able to provide actual examples of a communication to a TP clearly informing them that their accreditation status has been revoked.</p>	1-3
2.6	<p>Records of communication.</p>	1-4
2.7	<p>Records of communication.</p>	1-4
2.8	<p>Records of communication.</p>	1-5
3.1	<p>AB's are able to demonstrate to the Auditor how they ensure TPs are only using training syllabi and course materials that have been created or preapproved by the AB.</p> <p>AB's are able to show the Auditor an actual example of a pre-approved TP developed course (or procedure as to how this would be dealt with if this situation has not yet occurred).</p> <p>ABs are able to show the Auditor training syllabi and course materials created by the AB.</p>	1-4
3.2.1	<p>AB's are able to show the Auditor an AB created course which includes this.</p> <p>AB's are able to show the Auditor an actual example of a pre-approved TP developed course which includes this.</p>	1
3.2.2	<p>AB's are able to show the Auditor an AB created course which includes this.</p> <p>AB's are able to show the Auditor an actual example of a pre-approved TP developed course which includes this.</p>	1

Criteria	Example Sources of evidence	Sanction level
3.2.3	<p>AB's are able to show the Auditor an AB created course which includes this.</p> <p>AB's are able to show the Auditor an actual example of a pre-approved TP developed course which includes this.</p>	1
3.2.4	<p>AB's are able to show the Auditor an AB created course which includes this.</p> <p>AB's are able to show the Auditor an actual example of a pre-approved TP developed course which includes this.</p>	1
3.2.5	<p>AB's are able to show the Auditor an AB created course which includes this.</p> <p>AB's are able to show the Auditor an actual example of a pre-approved TP developed course which includes this.</p>	1-2
3.3	AB's are able to demonstrate to the Auditor how they ensure TPs ensure sites have the relevant and necessary facilities and equipment available.	1
3.4	AB's are able to demonstrate to the Auditor how they ensure TPs are complying with the AB accreditation criteria in order to deliver the training and the sanctions they impose in the event of non-compliance.	1
3.5	AB's are able to demonstrate to the Auditor how they ensure TPs have objectively assessed and documented the knowledge, skills and abilities of the trainees prior to certification.	1-2
3.6	AB's are able to demonstrate to the Auditor how they ensure TPs are delivering courses to the correct ratio and duration AND where shorter courses are accepted what evidence they collect in order to verify that the TP has undertaken an objective assessment prior to shortening the course.	1-2
4.1	<p>AB's are able to show the Auditor their own certification registration system.</p> <p>ABs are able to show the Auditor how they ensure all training delivered by the accredited TP's is verified and recorded on the registration system.</p> <p>ABs are able to show the Auditor how they ensure certification is not issued to the successful trainee prior to registration and validation on the ABs certification registration system and any sanctions imposed as a result of non compliance.</p>	1-5
4.2.1	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.2	Available for the Auditor to view on the ABs certification registration database.	1-2

Criteria	Example Sources of evidence	Sanction level
4.2.3	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.4	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.5	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.6	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.7	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.8	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.9	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.10	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.11	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.12	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.13	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.14	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.15	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.16	Available for the Auditor to view on the ABs certification registration database.	1-2
4.2.17	Available for the Auditor to view on the ABs certification registration database.	1-2
5.1	AB can evidence to the Auditor that a management system is in place to ensure that each accredited TP has been monitored at least once annually (accepting that there will inevitably some delays).	1-5

Criteria	Example Sources of evidence	Sanction level
5.2	AB's are able to provide monitoring reports to the Auditor which show that monitoring visits have included assessment of training syllabi, training programmes, course materials, and observation of course delivery.	1-3
5.3	AB's are able to provide monitoring reports to the Auditor which show the start time and end time of monitoring visits, ensuring no visit is less than is required to complete all requirements as detailed.	1-3
5.4.1	AB's are able to provide the Auditor with evidence of having ensured TP's have this.	1-3
5.4.2	AB's are able to provide the Auditor with evidence of having ensured TP's have this.	1-3
5.4.3	AB's are able to provide the Auditor with evidence of having ensured TP's have this.	1-3
5.4.4	AB's are able to provide the Auditor with evidence of having ensured TP's have this.	1-3
5.4.5	AB's are able to provide the Auditor with evidence of having ensured TP's have this.	1-3
5.4.6	AB's are able to provide the Auditor with evidence of ensuring TP's adhere to this.	1-3
6.1	AB's can provide the Auditor with actual examples of action plans left with TP's following monitoring visits.	1-2
6.2	AB's can provide the Auditor with actual examples of SLA's between AB and TP's.	1-4
6.3	Auditor to confirm through communication with TP's.	1-2

# Sanctions for Non-Compliance with Criteria for membership

The ABA has developed the below tariff of sanctions for dealing with ABA members who fail to meet the ABA criteria for membership.

The tariff has been developed using, a clearly accepted, and tested format and is designed to ensure:

- A transparent and fair approach is taken by the Auditor when finding shortcomings in ABA member systems.
- Industry is confident that the ABA members accrediting workplace transport operator training are fit for purpose

The tariff will be reviewed and updated as necessary based on operational experience.

The tariff lists five levels of sanction (table 1) and is linked to the criteria for membership (see pages 3-6).

Level	Sanction
1	Action Plan.
2	Action Plan and written warning.
3	Suspension of direct central certification system (i.e certification approval must be authorised by Auditor prior to release to the organisations/ individuals accredited by this ABA member).
4	Suspension of ABA membership.
5	Withdrawal of ABA membership.



# Appeals Procedure

The procedure below is designed to explain the process by which an ABA member can appeal a decision made by the auditors.

Should an ABA member wish to appeal the Auditor's decision to:

- Decline an initial application for membership
- Implement a level 1 sanction on the ABA member
- Implement a level 2 sanction on the ABA member
- Implement a level 3 sanction on the ABA member
- Implement a level 4 sanction on the ABA member
- Implement a level 5 sanction on the ABA member

Within 15 working days of a disputed decision the ABA member should submit in writing/email to the appointed body/Auditor under a heading of Corporate Confidentiality, the grounds/rationale for appeal, copies of all relevant correspondence, and any supporting information.

The appointed body/Auditor will, within 20 working days of a rational, non-frivolous appeal, chair a review of the appellant's submission together with at least two senior people employed by the auditing body, who have not been directly involved in the disputed decision. A majority decision to uphold or decline the appeal will take place.

If the ABA member remains dissatisfied they may request in writing/email under a heading of 'Corporate Confidentiality' within 10 working days of the review that the appeal is taken to the next and final stage. The ABA member should include their rationale for being dissatisfied with the outcome of the 1st stage appeal and include any relevant correspondence and supporting information.

The appointed body/Auditor will call together, within 30 working days, 3 representatives from the appeals panel and hold an appeal hearing whereby the ABA member is present and able to make verbal representation to the appeals panel.

The "appeals panel" will be chaired by a senior representative from the appointed body/Auditor. The chair will be unable to vote on the appeal outcome. The panel (3 representatives) will reach a majority decision regarding the outcome of the appeal.

Address appeals to the current nominated auditors of the ABA, at time of appeal. Currently FTA (Freight Transport Association).

Anonymous complaints or concerns can be logged directly to the auditors by emailing: [abaschemeadmin@fta.co.uk](mailto:abaschemeadmin@fta.co.uk)

# Appendix 1 – ABA Constitution

## INTRODUCTION

The name of the Association shall be the “Accrediting Bodies Association (Workplace Transport)” (“ABA”).

## AIMS

ABA’s aims are to contribute to reducing workplace transport accidents/incidents and to improving productivity and profitability in workplace transport through training.

## OBJECTIVES

ABA shall have the following objectives:

- To agree and maintain a common set of standards for the basic skills and underpinning knowledge required to operate workplace transport equipment in line with all relevant & current legislation and approved codes of practice for the benefit of industry
- To agree and maintain common criteria for membership and suitable evidence for compliance with such criteria for members against which each member will be audited and measured
- To agree and maintain a common sanctions policy and rectification timescales for members who fail to meet the agreed common criteria for membership
- To seek to increase the membership of ABA
- To ensure that ABA and its members comply with all applicable competition laws and follow ABA’s Competition Law Guidelines

## MEMBERSHIP

- Membership of ABA is available to any organisation that meets the criteria for membership
- Members agree to be audited at least annually by ABA’s auditors for compliance with the criteria for membership. Members who fail an audit will be dealt with in accordance with the common sanctions policy and timescales agreed under the objectives (see Appendix 6)
- Members will be responsible for the payment of audit fees direct to the auditors. Members who fail to pay such fees within 90 days of invoice by the auditors will automatically cease to be members of ABA
- Applications for membership shall be made in writing to the appointed body/Auditor and shall be subject to confirmation by ABA’s auditors that the applicant complies with the criteria for membership
- There shall be no fee or subscription for membership of ABA (annual or otherwise)
- The chairmanship of ABA shall be bi-annually (every 24 months) voted amongst current members and designed by majority vote
- Person nominated must be from an organisation who been an ABA member for at least 12 months and not have received a sanction above a level 1 in the preceding 12 months

## **ROLES OF THE CHAIRPERSON:**

Not conclusive, but the main functions of the chair should include:

- Arrange, Prepare, Co-ordinate and Chair the ABA quarterly meetings
- Host at least 1 conference call on a 6-weekly basis between ABA members
- Attend at least 4 industry relevant conferences/events per calendar year as the ABA Chairman and promote the benefits of the ABA and its work
- Communicate with all members of the ABA on developments with the HSE relationship
- Manage the email account of the ABA (including responding to all emails as soon as possible but within the published SLA), forwarding emails to members as necessary and ensuring impartiality at all times
- Make sure all members of the ABA are following up actions from previous meetings
- Ensure the ABA is productive and achieving positive outcomes for industry
- Liaising with the ABA auditor to ensure annual audits are completed on all members

## **CONDITIONS OF MEMBERSHIP**

Membership of ABA shall be conditional upon meeting all of the following requirements:

- Members will abide by and promote the objectives of ABA
- Members will not abuse their connection with ABA or fellow members in order to further business/personal interests
- Members will comply with the Code of Conduct
- Members will comply with the criteria for membership and where they fail to do so shall rectify the situation within the timescales agreed

## **TERMINATION OF MEMBERSHIP**

- Any member may resign with immediate effect by giving notice in writing to the chairperson of ABA
- Membership of ABA shall cease if a member fails to comply with the conditions of membership above
- Membership of ABA shall cease if a member is convicted of a serious criminal offence. For the avoidance of doubt this does not cover offences by individuals employed by a member where the offence has no connection with the business of the employer
- Membership of ABA shall cease if a member is declared bankrupt or becomes insolvent (whether voluntary or compulsory and other than for the purpose of a solvent reconstruction)

## **MEETINGS OF ABA**

- ABA shall hold an annual general meeting not later than 3 months after the end of each calendar year. Additional meetings may be called by at least 51% of members by notice to the chairperson. Meetings shall be called by the chairperson on not less than 21 days' notice
- The location of meetings shall be agreed by the members
- Unless otherwise agreed by ABA, each member shall be entitled to have two representatives at every meeting
- Each member body is entitled to one vote. Decisions requiring a vote of the members must be noted on the agenda which will be circulated by the chairperson prior to a meeting. Members shall be entitled to vote by proxy by another member provided that the proxy is able to show that it has been asked to act in that capacity. All votes will be by show of hands
- Members shall always seek to pass resolutions by unanimous decision, but resolutions may be passed by a simple majority (except any resolution to revise the Constitution - see below)
- Any member may request that the vote on a resolution is deferred until the following meeting in order to allow for consultation within its business
- Other interested parties (non-members) may attend meetings with the prior agreement of the members but may not vote and will be asked to leave before a vote takes place
- Minutes shall be taken of all meetings by a minute taker nominated by the chairperson. Copies shall be forwarded to all members within [two] weeks of the meeting and members must inform the chairperson within [two] weeks of dispatch of the minutes if there is anything contained in the minutes with which they disagree

## **DISPUTES WITH MEMBERS**

All disputes arising between ABA and members shall be referred to the Appeals Committee (detailed below).

## **REVISION OF THE CONSTITUTION**

The members shall keep the objectives of ABA under review. Revisions to the Constitution shall receive the assent of not less than two thirds of the members at a meeting of which at least thirty clear days' notice shall have been sent to all members.

## **DISSOLUTION**

ABA may at any time be dissolved by resolution passed by a two-thirds majority of the members at a meeting of which at least thirty clear days' notice shall have been sent to all members.

## **APPEALS COMMITTEE**

FLTA - Tim Waples  
[www.fork-truck.org.uk](http://www.fork-truck.org.uk)

BITA - David Goss  
[www.bita.org.uk](http://www.bita.org.uk)

UKWA - Peter Ward  
[www.ukwa.org.uk](http://www.ukwa.org.uk)

# Appendix 2 – ABA Members Code of Conduct

## **CODE OF CONDUCT**

1. Members shall use their best efforts to achieve the aims of ABA.
2. Members shall ensure that no action or omission on their part is detrimental to the aims of ABA.
3. Members shall not disclose confidential information gained in the course of ABA activity unless disclosure is required by law or court order. This obligation shall continue after a member leaves ABA or ABA is dissolved.
4. Members shall comply with all applicable anti-corruption and anti-bribery laws including but not limited to the Bribery Act 2010.
5. Members shall comply with all relevant equal opportunities laws and regulations.
6. Members shall report to other members any legal proceedings against them which may damage/effect ABA.
7. Members shall comply with all applicable competition laws and follow ABA's Competition Law Guidelines.

# Appendix 3 – ABA Members Competition Law Guidelines

## Introduction

It is the policy of the ABA and all its members to comply with competition law. These Guidelines are intended to assist members in their participation in ABA meetings and in their dealings with each other. It is the responsibility of all those attending ABA meetings to familiarise themselves with these Guidelines and to comply with them.

The UK competition laws prohibit agreements and decisions by associations of businesses that restrict competition in the UK. They are interpreted widely by the authorities and apply to:

- Formal and informal agreements - they can be oral agreements as well as written ones (e.g. emails)
- Loose forms of co-operation – “concerted practices”
- Decisions, actions and discussions of associations

**IMPORTANT:** Breaches of competition law are very serious. The ABA and its members could be fined up to 10% of worldwide group turnover. Under UK law, individuals can face prison sentences of up to 5 years, unlimited fines and director disqualification of up to 15 years.

## Conduct of Meetings

All ABA meetings will be conducted on the basis of the guidelines below. The current Chairperson of the ABA will attend all meetings and formal written minutes shall be taken.

The following do’s and don’ts will apply to all ABA meetings.

### DO’s:

- An agenda for meetings will be circulated in advance
- Meetings will follow the agenda and members will not raise other issues
- Accurate minutes of all meetings will be taken. This will include a list of all members present; the arrival and departure of members; any objections raised by members; and, requests by members to end discussions on certain topics or to avoid certain subjects
- The discussion and exchange of information concerning the ABA’s activities will be permitted in accordance with the guidelines on the exchange of information (see below)



### **DON'Ts:**

- No "ad hoc" meetings without a written agenda approved by the ABA will be held by members
- Meetings that are not for the purpose of conducting the ABA business in accordance with its rules will not be held
- Discussion or exchange sensitive information (see below)
- Engaging in any conduct that could be interpreted as designed to exclude a competitor from the market

## **Exchange of Information between Members**

The exchange of commercially sensitive information between competitors can fall foul of competition law and care must be taken. The following do's and don'ts identify the types of information that may be discussed by members and the types of information that may not be discussed.

### **DO's:**

- New legal/regulatory developments
- Lobbying Government
- Industry initiatives
- Health and safety issues
- Improving training standards

### **DON'Ts:**

- Members' costs, prices/charges including price changes, timing of price changes, discounts, rebates and allowances
- Agreeing product offerings on which members compete
- Terms of sale including credit terms
- Allocation of customers, territories, contracts or types of service between members
- Discussion of tenders or any other bids for contracts
- Sharing individual business plans

# Appendix 4 - ABA Member List

## **AITT**

Unit 4,  
Grange Farm Business Park  
Grange Road  
Hugglescote  
Leicestershire  
LE67 2BT  
01530 810867  
[www.aitt.co.uk](http://www.aitt.co.uk)

## **ITSSAR**

4 Milbanke Court  
Milbanke Way  
Bracknell  
RG12 1RP  
01344 426230  
[www.itssar.org.uk](http://www.itssar.org.uk)

## **NPORS**

PO Box 204  
Northwich  
Cheshire  
CW9 7FY  
01606 351240  
[www.npors.com](http://www.npors.com)

## **RTITB**

Access House  
Halesfield 17  
Telford  
TF7 4PW  
01952 520200  
[www.rtitb.co.uk](http://www.rtitb.co.uk)

# Appendix 5 – ABA Auditor

## **Freight Transport Association**

### **FTA**

Hermes House  
St John's Road  
Tunbridge Wells  
Kent  
TN4 9UZ  
enquiry@fta.co.uk  
0371 711 22 22

# Appendix 6 – New member applications procedure

Organisations wishing to join the ABA should carefully review this document, paying particular attention to the constitution and criteria for membership.

Organisations who are satisfied that they are able to meet the criteria contained within this document should contact the appointed auditor in writing at:

Freight Transport Association  
FTA  
Hermes House  
St John's Road  
Tunbridge Wells  
Kent  
TN4 9UZ  
abaschemeadmin@fta.co.uk

The appointed body/Auditor will make all members of the ABA aware of the application via email and will arrange to conduct an audit with the applicant organisation to establish compliance with the constitution and criteria for membership.

If the applicant organisation is compliant with the criteria, provisional membership of the ABA shall commence immediately upon completion of the audit. Provisional Membership will remain in place (for approximately 6 months) until the auditor has re-visited to confirm continued compliance with criteria. Once this has been confirmed full membership will be granted.

If the applicant is not fully compliant they will be given a reasonable timeframe (as dictated by the auditor) to become compliant. Once the applicant organisation feels they are compliant they should contact the appointed body. The body will then take appropriate steps to ensure compliance and if confirmed as compliant, provisional membership of the ABA shall commence immediately upon completion of the audit. Provisional Membership will remain in place (for approximately 6 months) until the auditor has re-visited to confirm continued compliance with criteria. Once this has been confirmed full membership will be granted.

Applicant organisations who are dissatisfied with the auditors at any point should refer to the appeals procedure contained within this document.

Please note all members/applicants are responsible for paying all of their own auditing fees, in full, direct to the auditors.

# Glossary of Terms

- Training Provider – all accredited organisations (whether training provider, employer or other) and accredited instructors
- Formal Audit Qualification - IRCA ISO9001 Lead Auditor, IRCA Internal OMS Auditor
- Course Type – Novice, Experienced, Conversion, Refresher
- Category – Rated Capacity, Height
- Appropriate Insurance – Public Liability and Professional Indemnity insurance (at levels advised to you by insurance professionals)
- Refer to data protection laws and rules

