

BOHS Professional Register and Faculty of Occupational Hygiene – Appeals Process

1. Introduction

This document details the process for which an applicant (otherwise referred to as the appellant) of the BOHS Professional Register or Faculty of Occupational Hygiene, can appeal against the decision to reject their admission as a registrant or member.

2. Glossary

1. With this document the following terms will have the following interpretations:
 - a. “appeal” means an appeal which is made to the Faculty of Occupational Hygiene (FOH) Committee against the decision to reject an application for admission on the BOHS Professional Register or to join the Faculty of Occupational Hygiene.
 - b. “Appeal Panel” means a panel appointed by the Faculty of Occupational Hygiene (FOH) Committee to consider an appeal.
 - c. “Appellant” means the individual appealing against the decision to reject their application as a registrant or member.
 - d. “Application” means the appellants application for admission on the BOHS Professional Register or to join the Faculty of Occupational Hygiene which has been rejected.
 - e. “Chair” means the Chair of the appointed Appeal Panel.
 - f. “Committee” means the Faculty of Occupational Hygiene (FOH) Committee.
 - g. “Registrar” means the Registrar of the Faculty of Occupational Hygiene.

3. Service of Documents

1. In these rules, a reference to the sending of a notice or other document to any person is a reference to it being sent –
 - a. In the case of the Committee, Appeal Panel or the Registrar, to the offices of the British Occupational Hygiene Society or emailed to appeals@bohs.org
 - b. In the case of the appellant, to the email or postal address identified in their notice of appeal; and
 - c. In all other cases, to the last known email or postal address of that person.
2. All communications to be sent for the purposes of these rules may be sent by post or email and any such communication shall be treated as having been sent on the day on which it was received.

4. Period during which an Appeal may be made

1. The appellant may appeal the Committee’s decision to reject their application within 28 days including the date from which they receive confirmation of the decision by the Committee.

5. Notice of Appeal

1. An appeal shall be made by giving notice in writing in accordance with the following paragraphs.
2. The notice shall be addressed to the Registrar and shall –
 - a. Include:
 - i. The name, correspondence address, contact number;
 - ii. Their registration number as assigned when they created an account using the BOHS membership portal;
 - iii. The date, nature and other relevant details of the decision against which the appeal is brought; and
 - iv. A concise statement of the grounds of the appeal (in any case no more than 1,500 words).
 - b. State that the notice is a notice of appeal; and
 - c. Be signed by or on behalf of the appellant.
3. The appellant shall attach to the notice of appeal a copy of any documents on which they propose to rely on for the purposes of the appeal.

6. Acknowledgement by the Committee

1. Upon receiving a valid notice of appeal, the Registrar shall,
 - a. send the appellant a notice acknowledging its receipt and informing the appellant:
 - i. That they may within 28 days of sending this notice, request that a hearing be held.
 - ii. That, even if the appellant does not request a hearing, the Committee may hold a hearing if it is considered to be appropriate; and
 - iii. That the appellant may be heard and be represented at such a hearing unless they choose to not attend or be represented as per section 8.
2. Upon receiving a valid notice of appeal, the Committee shall setup an Appeal Panel within 28 days of receipt.
3. The appellant may, at any time during the proceedings, withdraw their appeal.

7. Consideration by Appeal Panel

1. An appeal shall be considered by an Appeal Panel appointed by the Committee for that purpose.
2. The Committee may appoint a panel by a process of electronic decision-making or at a quorate meeting of the Committee.
3. An Appeal Panel shall comprise not fewer than three members appointed by the Committee and shall include –
 - a. At least three members of the Faculty of Occupational Hygiene, of which at least one needs to be a Fellow of the Faculty of Occupational Hygiene; and
 - b. A registered practitioner of a professional register for which BOHS is responsible for; and/or

- c. A lay member, from an equivalent PSA or other professional body, based upon relevant experience and who understands appeals processes.
- 4. The Chair of the Appeal Panel shall be designated from the members of the panel by the Committee and shall be a current Fellow of the Faculty of Occupational Hygiene.
- 5. Members of the Committee shall not be appointed as a member of an Appeal Panel.
- 6. A person who has been involved in any other capacity in a case which is to be considered by an Appeal Panel shall not be appointed as a member of that Panel.
- 7. Decisions by an Appeal Panel shall be made by a majority vote of those present and, in the event of a tie, the Chair shall have an additional casting vote.
- 8. A person –
 - a. Is not eligible to be appointed to, or to sit as a member of an Appeal Panel if that person has been subjected to an upheld complaint against the Code of Ethics or has been suspended from any membership of the Society or BOHS Professional Register.
 - b. Shall cease to be a member of an Appeal Panel if –
 - i. The member resigns, which the member may do at any time by notice in writing to the Committee,
 - ii. The Committee votes (by a majority at a quorate meeting) to terminate the member's appointment, or
 - iii. The member ceases to be a member of the Society or BOHS Professional Register.

8. Notice of Hearing

- 1. If the appellant has requested that a hearing be held, or the Appeal Panel determine that it would be appropriate to hold a hearing, the Appeal Panel shall fix a day on which it is to hear the case and send a notice of hearing to the parties of the day, time and details for the hearing. All hearings will be held virtually unless there is sufficient reason to be held in person.
- 2. The Appeal Panel shall not fix a date for the hearing less than 28 days from the day on which the notice of hearing was sent to the appellant.

9. Parties and Representation

- 1. The appellant shall inform the Appeal Panel, within 28 days of receiving the notice of hearing, whether or not they intend to attend or be represented at the hearing and whether or not they intend to call any witnesses and, if so, shall provide their names and contact details to the Appeal Panel.
- 2. Seven days prior to the date of the hearing, an appellant who does not intend to attend or be represented at a hearing, may send to the Appeal Panel additional documentation and/or evidence in support of their appeal.
- 3. The appellant may be represented in any proceedings by any person, whether or not legally qualified, except a member of the Appeal Panel.
- 4. The Appeal Panel may invite any person who, in its opinion, has an interest in the proceedings to provide documentation and/or evidence and any such documentation and/or evidence shall be sent to the Appeal Panel within 14 days from which the invitation was sent to that person.

10. Powers to determine an Appeal without a Hearing

1. The Appeal Panel may determine an appeal without an oral hearing on the basis of any documents provided by the appellant where –
 - a. The Appeal Panel does not receive a reply from the appellant within the time specified and the Appeal Panel is satisfied that all reasonable steps have been taken to give notice, or the appellant replies to the effect that they do not wish to attend or be represented;
 - b. The Appeal Panel has notified the appellant and the Committee of its intention to do so; and
 - c. The Appeal Panel considers it desirable to do so having taken into account any documentation and/or evidence received in response to the hearing notice.
2. If the Appeal Panel decides to determine an appeal without an oral hearing, it may take into account any documentation and/or evidence submitted up to seven days prior to the Appeal Panel determining their decision.

11. Postponement or adjournment of Hearing

1. The Appeal Panel, either of its motion or at the request of a party to the hearing, may postpone a hearing at any time before it begins and may adjourn the proceedings from time to time as it thinks fit.
2. Where a hearing is postponed, the Registrar shall send the appellant notice of that date on which the Appeal Panel is to hold the postponed hearing.
3. The date for the postponed hearing shall not be fixed for any date within 14 days of sending the notice of postponement to the appellant.

12. Absence of the Appellant

1. Where –
 - a. The Appeal Panel has fixed a date for a hearing; and
 - b. The appellant has informed the Appeal Panel that they intend to attend or be represented; but
 - c. They do not attend and are not represented,

The Appeal Panel may nevertheless proceed with the hearing if it is satisfied that all reasonable steps have been taken to give notice of the hearing to the appellant.

13. Conduct of Hearing

1. At the beginning of the hearing, the Chair shall explain to the parties the order of proceedings which the Appeal Panel proposes to adopt.
2. The Appeal Panel shall conduct the hearing in such a manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings and the parties shall be heard in such order as the Appeal Panel shall determine having regard to the following –
 - a. The appellant, or a representative of, may present their case in support of their appeal;
 - b. The appellant or any person called on their behalf may be cross-examined by the Appeal Panel

- c. The Committee, or a representative of, may present its case in support of the decision appealed against or its failure to issue a decision;
 - d. The Committee or any person called on its behalf may be cross-examined by the Appeal Panel
- 3. The parties shall be entitled to give evidence, to call witnesses, to question any witnesses and to address the Appeal Panel both on the evidence and generally on the subject matter of the appeal.

14. Procedure at Hearing

- 1. The Appeal Panel may request any person (other than the appellant) to attend a hearing and provide documentation and/or evidence.
- 2. At any hearing, the Appeal Panel may, if it is satisfied that it is just and reasonable to do so, permit a party to rely on grounds not stated in the notice of appeal or to adduce any evidence not presented to the panel before it took the disputed decision.

15. Disposal of Cases

- 1. The Appeal Panel shall notify the Registrar of its decision in writing and the reasons for reaching that decision within 14 days of the hearing.
- 2. The Registrar shall notify the appellant of the decision and the reasons for reaching that decision.
- 3. The Registrar shall provide an outcome report for the Committee.