

# FORS Compliance and Enforcement Guidance for Operators

Version 3.0

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## Table of main changes

Page	Paragraph	Description
2	2.3	<p><b>Notification of Complaints</b></p> <p>Insertion of issuing a suspension when a company fails to respond to a FORS request for information.</p> <p>Ability to suspend/downgrade or terminate a company to ensure the protection of the scheme and its reputation</p>
3	2.5	<p><b>Other Legislation</b></p> <p>Details how companies shall maintain compliance to UK legislation and the country of origin (where applicable)</p>
4	4	<p><b>Complaints and Audit Appeals Escalation Process</b></p> <p>Particular to how a members active accreditation may be effected during an appeals process. This section also highlights possible downgrading.</p>
6	N/A	<p><b>Sanctions Definition Table</b></p> <p>Introduction of a table that highlights the definitions of each sanction that FORS may issue as a result of a Traffic Commissioners outcome or FORS Complaint</p>
10	N/A	<p><b>Driving/Vehicles Document Offences</b></p> <p>Introduction of specific operating centre sanctions rather than the whole company being affected by a regional issue (unless the reported non compliance is a company wide issue)</p>
11	N/A	<p><b>WRRR Sanctions</b></p> <p>Amended sanctions (reduced timeframes)</p>
17 & 18	Appendix 4	<p><b>Complaints and Appeals Process</b></p> <p>Details how a FORS member must respond requesting an audit appeal within 5 working days from receipt of an audit report.</p>



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## 1. Introduction

### 1.1. About this document

This document provides guidance on the compliance and enforcement activity undertaken by the Fleet Operator Recognition Scheme (FORS). It seeks to explain how FORS accreditation may be affected if a company breaches the FORS Standard or Terms and Conditions.

### 1.2. References

The following documents, which can be downloaded from [www.fors-online.org.uk/cms/new-standard](http://www.fors-online.org.uk/cms/new-standard) are referenced in this document:

- FORS Standard
- FORS Terms and Conditions
- FORS Rules and Procedures

### 1.3. Compliance procedures process chart

The process chart in Figure 1 provides a step by step guide to the FORS compliance and enforcement process. It shows the channels through which complaints are reported to FORS, how they are actioned and the possible outcomes.

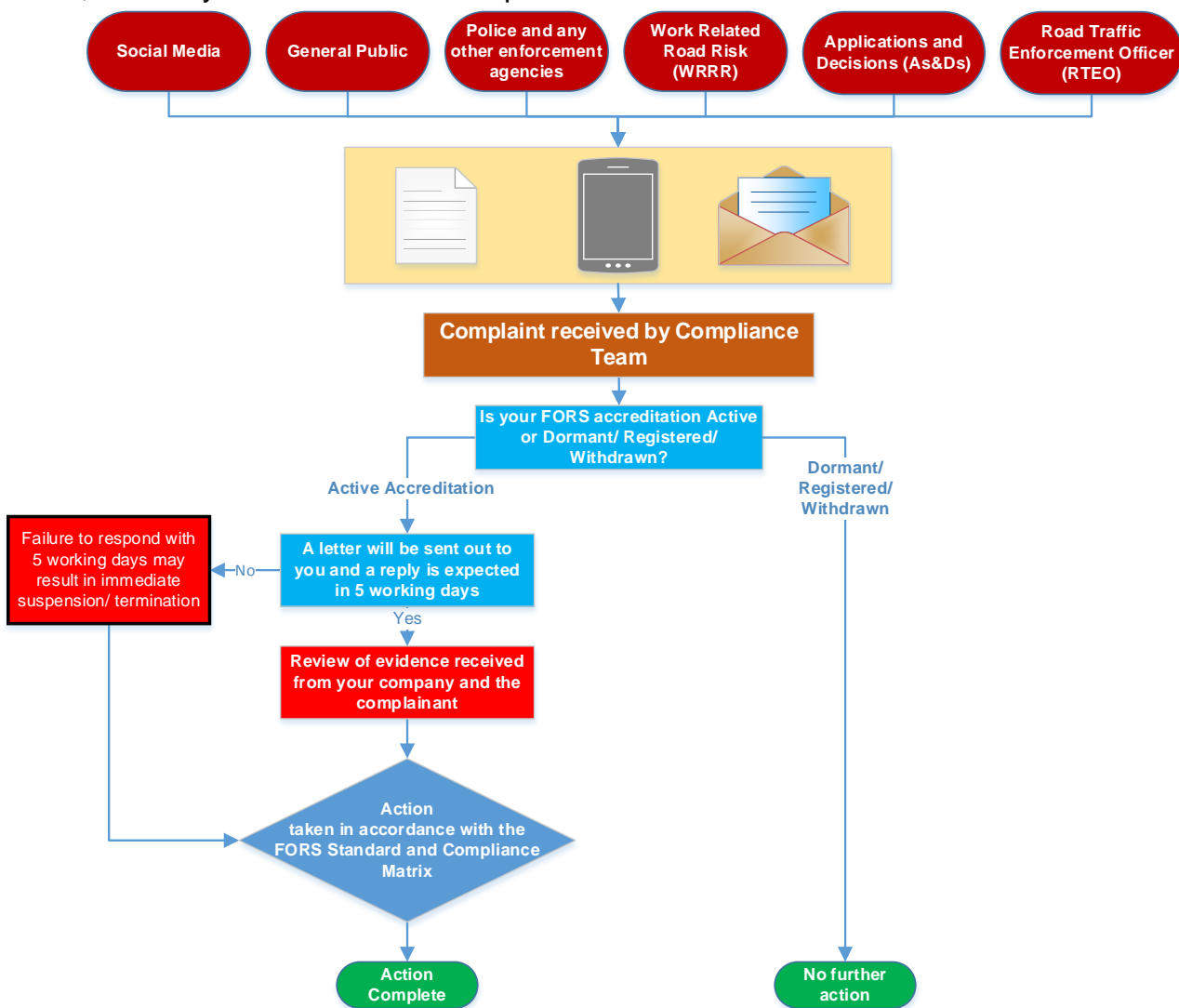


Figure 1: FORS Compliance procedures process chart

## 2. Compliance and enforcement – complaints, decisions and solutions

### 2.1. Complaints

FORS is regularly updated on the activity of operators. This allows FORS to not only identify operators that are operating in accordance with the FORS Standard but also those that have received complaints against their operations.

FORS can receive complaints through the following channels:

- Traffic Commissioner Applications and Decisions (As&Ds)
- Transport for London (TfL)
- General public
- Police and other enforcement agencies
- TfL Work Related Road Risk compliance team
- TfL Road Traffic Enforcement Officers
- Social media

### 2.2. Decisions and Solutions

When a complaint is made against the operations of a FORS accredited company the FORS compliance team is notified. All relevant complaints received are investigated and available evidence is reviewed. The most appropriate compliance option will be chosen in accordance with the FORS Compliance Matrix (Appendix 2 to this document), the FORS Standard and the FORS Terms and Conditions.

### 2.3. Notifying accredited company of complaint

When a complaint is received the compliance team will begin to investigate the circumstances surrounding the complaint and will notify the accredited company. The compliance team will issue a letter (via email) in order to request an explanation regarding the complaint from the accredited company. This letter requires a response to FORS within 5 working days. Should FORS not receive a response to the complaint within 5 working days, a second reminder letter will be sent. Should a company fail to respond within the second 5 working day period the company shall be suspended until a satisfactory response has been received by FORS.

Notwithstanding the above, in accordance with clauses 14.1 and 14.2 of the FORS Terms and Conditions, upon written notice FORS may at its sole discretion elect to either suspend, terminate or downgrade your FORS accreditation.

### 2.4. Instances where FORS accredited companies have not reported complaints or company changes

The FORS compliance team will respond to instances where it is found that FORS accredited companies have failed to meet their obligations to report complaints or changes to company details.

The FORS Compliance Matrix (Section 3) and Rules and Procedures provide further details on the requirements for reporting complaints and possible sanctions that may apply for failure to report a complaint and changes to the status/structure of the company. Appendix 1 sets out definitions of the sanctions outlined in this guidance document.

## 2.5. Other legislation

Companies shall maintain compliance with UK (and country of origin) transport, safety and environmental legislation.

## 2.6. Scope of accreditation – application and re-application for FORS accreditation

Enquiries undertaken by the FORS compliance team include a review of the current Operator License status of the applicant. The status is compared via the FORS company page, previous FORS audits and the information currently provided by the company to the licensing authority. Where discrepancies are identified the compliance team will contact the company to enquire as to the actual scope of their FORS accreditation compared to their declared Operating Centres and fleet size etc.

Whilst an inconsistency is being investigated, the company's application for initial or re-accreditation is put on hold until the situation is resolved to the satisfaction of the FORS compliance team.

## 2.7. Progression to Silver and Gold accreditation

In order for companies to progress to Silver and Gold accreditation a review of their complaints status is completed by the compliance team. This is to ensure that the accredited company has met all the requirements set out within the FORS Standard before progressing. Additional checks include, but are not limited to:

### 2.7.1. Operator Licence status and details assessment

Cross checks are completed against the operator licence, the company complaints history and previous audits to ensure there are no discrepancies in details (eg. operating centres and fleet size). The compliance team uses the Vehicle Operator Licensing Service to make these checks. If a discrepancy is found, the accredited company will be contacted in order to seek clarification on the matter.

### 2.7.2. Silver and Gold requirements

Checks are also carried out to ensure sufficient audits have been conducted within the previous 12 months to determine current Bronze or Silver status. If no audit is present, then the application will be delayed until the audit can be reviewed.

This review will also determine if a sufficient number of Bronze or Silver audits have been undertaken in accordance with Multi Operating Centre Accreditation (MOCA) rules. If an insufficient amount of audits have been achieved to comply with the published MOCA ratios, then the application will be delayed until the appropriate number of audits have been undertaken (the accredited company will be informed of this requirement).

### 2.7.3. Public Inquiry assessment and outcome

If the accredited company has not appeared at Public Inquiry in the last two years and has no forthcoming public inquiry, then the application is permitted to proceed.

If the accredited company is scheduled to appear at a Public Inquiry, the application can proceed but will be reviewed again once the Public Inquiry has been held and subsequent findings released.

If the accredited company has appeared at Public Inquiry in the previous two years and have had a finding against them for a disciplinary matter, the compliance team will write to the company seeking further information of the Traffic Commissioner findings and whether the matter has been resolved. If the response indicates the matter has been resolved to the satisfaction of the Traffic Commissioner, then the application can proceed. If however, the matter has not been resolved, the application will not be allowed to proceed until the FORS compliance team are satisfied that it has been resolved to the satisfaction of the Traffic Commissioner.

If an accredited company cannot resolve a decision to the satisfaction of the Traffic Commissioner, FORS will review the evidence offered and determine whether a suspension or termination from the scheme is necessary.

### **3. Compliance matrices**

The sanctions that may be imposed following a breach of the FORS Terms and Conditions are set out in Appendix 2 – Compliance Matrices.

The enforcement action resulting from the Public Inquiry and observed complaints process is provided as guidance for both the FORS compliance team and FORS members. It is not exhaustive and, based on individual circumstances the enforcement action taken can vary from the indicated sanctions.

#### **3.1. Enforcement scenario**

Appendix 3 provides examples of the actions and outcomes that could happen should a company be subject to compliance and subsequent enforcement activity.

### **4. Complaints and audit appeals escalation process**

FORS registered or accredited companies who feel they have not been treated fairly by FORS can raise a formal complaint or audit appeal and, if necessary follow the escalation process set out in Appendix 4.

If a company raises a formal appeal against an audit decision, the 30 day time limit for conducting a follow-up audit will be stopped until the outcome of the appeal is complete and communicated to the company. Once communicated, the remaining timeframe of the 30 day follow up period recommences.

If a company raises a formal complaint or appeal and the accreditation period has reached the annual expiry date the company will be downgraded and remain downgraded until the outcome of the appeal has been communicated. If the appeal is upheld, the accreditation will revert back to the original active status.

If an appeal is not upheld, the company will revert to the appropriate level of accreditation, this may include being downgraded to Bronze where a field audit will be required to be undertaken and successfully completed within 30 calendar days. Otherwise the company will be downgraded to dormant.



If a company raises a formal complaint or appeal against a compliance sanction such as an enhanced audit, suspension or termination, the sanction imposed on the company will remain in place until the outcome of the complaint or appeal is complete and communicated to the company.

## Appendix 1 – Compliance sanction definitions

Sanction	FORS Compliance Definition:
Termination	<p>In accordance with the FORS Terms and Conditions and upon written notification FORS membership may be terminated, in which case there is no entitlement to use the FORS benefits or the FORS logo. Termination is for a minimum of 6 months and re-entry into the scheme can only be following the successful completion of an enhanced audit and a probation period.</p> <p>During the termination period, companies shall:</p> <ul style="list-style-type: none"> <li>• Immediately remove the FORS logo from any vehicle</li> <li>• Provide written confirmation that logos have been removed</li> </ul> <p>On completion of the termination period the company shall:</p> <ul style="list-style-type: none"> <li>• Re-register to become a FORS accredited company (a new membership number will be issued)</li> <li>• Successfully pass an enhanced audit prior to entering into the probation period</li> <li>• Complete a 12 month probation period</li> <li>• Successfully pass three enhanced audits within the 12 month probation period. The enhanced audits are to be conducted equally throughout the probation period (one every four months)</li> </ul>
Suspension	<p>In accordance with the FORS Terms and Conditions and upon written notification, membership may be suspended in which case there is no entitlement to use the FORS benefits or the FORS logo. Re-entry into the scheme can only be following the satisfactory completion of an enhanced audit and a probation period. Where a suspension is imposed because an operator has failed to respond to a complaints letter that requests information (refer to paragraph 2.3 of this manual) an enhanced audit and probation period may not be required for re-entry.</p> <p>The duration of the suspension is dependent on the type and severity of the breach in legislation or FORS Terms and Conditions.</p> <p>During the suspension period, companies shall:</p> <ul style="list-style-type: none"> <li>• Immediately remove the FORS logo from any vehicle</li> <li>• Provide written confirmation that it has been removed</li> <li>• Successfully pass an enhanced audit prior to completing the suspension period</li> <li>• The suspension will remain in place until the enhanced audit has been successfully passed</li> </ul>

	<p>On completion of the suspension period the company is required to:</p> <ul style="list-style-type: none"> <li>• Complete a six month probation period</li> <li>• Successfully pass an enhanced audit within the probation period.</li> <li>• The enhanced audit is to be conducted during second half of the probation period</li> <li>• Should the probation period enhanced audit not be successfully passed within the required timeline. The company shall revert to suspended status</li> </ul>
Enhanced Audit	<p>A FORS Bronze audit plus a detailed review of the actions in place to mitigate the specific circumstances that caused the complaint, suspension or termination to occur.</p> <p>If a company fails to pass an enhanced audit and its subsequent follow up enhanced audit (within 30 days of notification of failure), the company's FORS accreditation will be suspended until a full enhanced audit has been completed and successfully passed</p>
Probation Period	<p>A defined period of time during which a company is placed under regular observation by the FORS Compliance team. Probation periods are as follows:</p> <ul style="list-style-type: none"> <li>• Twelve months following termination</li> <li>• Six months following suspension</li> <li>• Six months following an enhanced audit (where specified by the FORS Head of Compliance)</li> </ul>
Formal Warning	<p>Notification to a FORS member of the reasons why its behaviour, activities or reported incidents are unacceptable and, if not addressed in accordance with the instructions of the FORS compliance team, may lead to an enhanced audit, suspension or termination being imposed.</p>

**Notes:**

1. FORS reserves the right to sanction a company at any time in order to safeguard the scheme.

2. If a company's membership has a single operating centre (SOCA) the whole accreditation will be affected by any sanction imposed

3. If a company has Multi Operating Centre Accreditation (MOCA) then the accreditation of the operating centre where the complaint occurred will be affected by any sanction imposed (unless there is a complete failure within the company's policies and procedures)

## Appendix 2 – Compliance matrices

**Table 1 – Traffic Commissioner Public Inquiry Outcome FORS compliance matrix**

Traffic Commissioner Public Inquiry outcome	FORS response
O Licence revoked	Terminate company
Transport Manager loss of repute	<p>Suspend until new Transport Manager (TM) is appointed. The new TM appointment must be accepted by the Traffic Commissioner, FORS shall then be notified in writing by a Director of the company who is associated with the transport services</p> <p>FORS will require written confirmation from the company that the previous TM no longer works for the company or is not actively involved in an operational role with the vehicle fleet</p> <p>If the company fails to appoint a new TM within the timescale dictated by the Traffic Commissioner then the suspension from FORS will continue</p>
O Licence suspended	<p>FORS will suspend the company for a minimum period of 3 calendar months*</p> <p>If the company holds MOCA or Whole Fleet Accreditation (WFA), the suspension will be specific to the operating centre affected by the Traffic Commissioner's decision</p> <p><i>* Under <u>exceptional</u> circumstances a FORS suspension period may be reduced at the discretion of the FORS Head of Compliance</i></p>
O Licence curtailed - A sanction may be imposed to fall in line with the Traffic Commissioners defined timeline and fleet number indicated in the curtailment.	<p>O Licence curtailed - less than 7 days, seek information from the company and issue a Formal Warning letter from FORS</p> <p>O Licence curtailed - more than 7 days. FORS will require the company to pass an enhanced audit</p> <p>Further curtailments within a twelve month</p>

	<p>period will result in a suspension being issued to the operating centre receiving the curtailment in line with the length of the curtailment imposed by the Traffic Commissioner</p>
<p>O Licence curtailed – undertakings imposed by the Traffic Commissioner</p>	<p>The company shall provide evidence of the undertakings imposed by the Traffic Commissioner</p> <p>The company shall provide evidence of the acknowledgement from the Traffic Commissioner that the undertakings have been completed</p> <p>An enhanced audit shall be booked and successfully passed within 30 calendar days of notification of the requirement</p>
<p>Formal warning issued by the Traffic Commissioner</p>	<p>FORS will write to the company requesting the Traffic Commissioner outcome letter and will consider the most appropriate action based on the company’s response</p> <p>This will lead to a <u>minimum</u> of a Formal Warning letter from FORS*</p> <p><i>* Dependent on the company’s history over the previous 24 month period, FORS may impose a higher sanction in accordance with the level of historical compliance activities that have been reported</i></p>
<p>Other legislation:                      Road Traffic Act 1988                      Health and Safety at Work Act 1974                      Control of Pollution (Amendment) Act 1989                      Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991                      The Waste (England and Wales) Regulations 2011                      The Hazardous Waste (England and Wales) Regulations 2005                      Environmental Protection Act 1990 s34                      (Note: This list is not exhaustive)</p>	<p>Letter sent from FORS requesting information</p> <p>FORS may impose a sanction dependent on the company response:</p> <p>Formal Warning letter                      Enhanced Audit                      Suspension                      Termination</p>
<p>Fail to notify FORS of any of the above</p>	<p>A 30 calendar day suspension may apply</p>

**Table 2 – Observed complaints FORS compliance matrix**

Type of complaint	Frequency of complaint	Compliance outcome
<b>Abnormal load</b>		
<ul style="list-style-type: none"> <li>• No movement Order</li> <li>• Overweight</li> <li>• Exceeded width</li> <li>• No STGO markings</li> </ul> <p><i>Note: offence could be one or more of the above</i></p>	<ol style="list-style-type: none"> <li>1. Once in 12 months</li> <li>2. Twice in 12 months</li> <li>3. Three times in 12 months</li> <li>4. Four times in 12 months</li> </ol>	<ol style="list-style-type: none"> <li>1. Formal Warning letter</li> <li>2. Enhanced audit</li> <li>3. Suspension</li> <li>4. Termination</li> </ol>
<b>Driver behaviour</b>		
<ul style="list-style-type: none"> <li>• Speeding</li> <li>• Driving dangerously/ without due care and attention</li> <li>• Contravening ATS (Red light)</li> <li>• Use of Mobile Phone</li> <li>• No Driver CPC Card</li> </ul> <p><i>Note: This list is not exhaustive</i></p>	<ol style="list-style-type: none"> <li>1. Once in 12 months</li> <li>2. Twice in 12 months</li> <li>3. Three times in 12 months</li> </ol>	<ol style="list-style-type: none"> <li>1. Formal Warning letter</li> <li>2. Enhanced audit</li> <li>3. Suspension</li> </ol>
<ul style="list-style-type: none"> <li>• Smoking in the cab</li> </ul>	<ol style="list-style-type: none"> <li>1. At any point</li> </ol>	<ol style="list-style-type: none"> <li>1. Letter will be sent from FORS highlighting the breach in legislation</li> <li>2. A reasonable response is required by the company</li> </ol> <p><i>(dependant on the company response may require evidence of policy documents being provided)</i></p>
<b>Driving / Vehicle document offences</b>		
<ul style="list-style-type: none"> <li>• No Driving Licence</li> <li>• No Insurance</li> <li>• No MOT</li> </ul> <p><i>Note: list of offences is not exhaustive and are not limited to any time period</i></p>	<ol style="list-style-type: none"> <li>1. Once</li> <li>2. Twice within a two year period</li> </ol>	<ol style="list-style-type: none"> <li>1. Suspension dependent on circumstances</li> <li>2. Termination</li> </ol> <p><i>(If the company holds MOCA or Whole Fleet Accreditation (WFA) status, the suspension or termination will be specific to the operating centre)</i></p>

WRRR, FORS Bronze, Silver and Gold		
<ul style="list-style-type: none"> <li>• None/Insufficient Approved on Cycle training</li> <li>• No FORS eLearning</li> </ul> <p><i>Note 1: All breaches identified by the TFL WRRR compliance team will receive a letter from the FORS compliance team.</i></p> <p><i>Note 2: Repeat breaches will be dealt with but this is dependent on the breach being outside the 10% tolerance permitted in the FORS Standard</i></p>	<ol style="list-style-type: none"> <li>1. Once</li> <li>2. Two times in three months</li> <li>3. Three times or more in four months</li> <li>4. Continued incidents after enhanced audit has been completed</li> </ol>	<ol style="list-style-type: none"> <li>1. Letter from FORS. FORS action taken dependent on company response</li> <li>2. Formal Warning letter sent</li> <li>3. Enhanced audit</li> <li>4. Suspension or possible termination dependent on circumstances</li> </ol>
<p><b>Bronze:</b></p> <ul style="list-style-type: none"> <li>• No sideguards</li> <li>• No Class V or VI mirrors</li> </ul> <p><b>Silver:</b></p> <ul style="list-style-type: none"> <li>• No or unserviceable audible left hand turn and reverse warning fitted to vehicles above 3.5t</li> <li>• Lack of appropriate or unserviceable blind spot minimisation fitted to vehicles above 3.5t GVW</li> <li>• Lack of appropriate or unserviceable indirect visual aids fitted to the rear of vehicles weighing over 7.5t GVW</li> </ul>	<ol style="list-style-type: none"> <li>1. Once</li> <li>2. Two times within a 24 month period</li> <li>3. Three times within a 24 month period</li> </ol>	<ol style="list-style-type: none"> <li>1. Letter from FORS.                             <ol style="list-style-type: none"> <li>1a. Adequate company response closes enquiry</li> <li>1b. Inadequate response, company receives an enhanced audit</li> </ol> </li> <li>2. Suspension</li> <li>3. Termination</li> </ol>
<ul style="list-style-type: none"> <li>• No Signage</li> <li>• Incorrect warning signage on vehicles over 3.5 tonnes</li> <li>• Linked to the Bronze requirement (as detailed in V section of the Bronze audit)</li> </ul>	<ol style="list-style-type: none"> <li>1. Any incident</li> <li>2. Refusal to correct or two incidents in twelve months</li> <li>3. Ongoing non-compliance</li> </ol>	<ol style="list-style-type: none"> <li>1. Formal letter from FORS informing company to remove or change signage</li> <li>2. Enhanced audit without suspension or full suspension dependent on company response</li> <li>3. Termination*</li> </ol> <p><i>* Termination if the company continues to fail to meet the demonstration</i></p>

<ul style="list-style-type: none"> <li>Offensive or distasteful warning signage on any vehicle</li> </ul>	<ol style="list-style-type: none"> <li>Any incident</li> <li>Refusal to remove warning signage</li> <li>Continued refusal to remove warning signage</li> </ol>	<ol style="list-style-type: none"> <li>Formal Warning asking for signage to be removed</li> <li>Suspension</li> <li>Termination</li> </ol>
<b>Logos</b>		
<ul style="list-style-type: none"> <li>Incorrect FORS logo fitted</li> </ul>	<ol style="list-style-type: none"> <li>Any incident</li> </ol>	<ol style="list-style-type: none"> <li>Letter will be sent from FORS but no response is required</li> </ol>
<ul style="list-style-type: none"> <li>Displaying FORS logos whilst not properly accredited FORS members</li> </ul>	<ol style="list-style-type: none"> <li>First reported incident</li> <li>Second incident</li> <li>Three reported incidents</li> </ol>	<ol style="list-style-type: none"> <li>Formal letter from FORS</li> <li>Notify the company potential legal action including trade mark infringement</li> <li>Take legal action</li> </ol>
<b>Reported complaints</b>		
<ul style="list-style-type: none"> <li>Complaints reported to FORS</li> </ul> <p><i>Note: offences are not limited to any time period</i></p>	<ol style="list-style-type: none"> <li>Number of complaints received 1-7</li> <li>Number of complaints received – 8</li> <li>Number of complaints received – 10</li> </ol>	<ol style="list-style-type: none"> <li>Complaints noted on the company complaints page</li> <li>Formal Warning letter from FORS notifying of amount of complaints received and warning of possible pending enhanced audit*</li> <li>Enhanced audit conducted</li> </ol> <p><i>Note: Dependent on the type of complaint, the complaint will be closed after the company successfully completes an enhanced audit. The process with then start again</i></p> <p><i>The enhanced audit will be conducted at a specific Operating Centre where the complaints are being received or at the Head Office of the company to ensure that a system has been put in place and is fully operational to address the complaints</i></p>
<b>Terms and conditions</b>		
<ul style="list-style-type: none"> <li>Knowingly declaring false information at time of application</li> <li>Knowingly providing false information at audit</li> </ul>	<ol style="list-style-type: none"> <li>Any incident</li> </ol>	<ol style="list-style-type: none"> <li>Termination</li> </ol>

*Note: Many of the compliance outcomes identified in this matrix are dependent on reporting by third parties. However at Bronze Audit the auditor should be examining what*



*compliance issues the company have recorded in the previous 12 months and comparing this with data retrieved from the FORS company complaints page. The auditor will then compare company collated information and activity with the FORS company complaint history and make an informed decision in regards to whether the appropriate FORS Standard section has been achieved.*

## Appendix 3 – Compliance and enforcement scenarios

	Scenario 1	Scenario 2	Scenario 3
Complaint source	Police	Police (via Transport for London) and Traffic Commissioners	Member of the Public
Complaint summary	<p>A large goods vehicle was involved in a serious injury collision with a cyclist. The vehicle was impounded by the Police, who identified that it displayed FORS stickers that did not belong to the company involved. Enquiries revealed that the company were subcontracting for a larger haulier and had wrongly been given the accreditation sticker by the larger haulier. As a result the vehicle, its driver and their policies and procedures had not been audited by FORS to the Bronze Standard.</p> <p>Therefore this company was displaying a FORS ID without being properly accredited.</p>	<p>A FORS company was reported for having no Abnormal Load Movement Order, insecure load, being overloaded by 61%, and no STGO boards were fitted. The company were subsequently convicted in court for an Abnormal Load movement within the 3 mile exclusion, excess lateral projection, excess train weight (x2) on the plating certificate and convicted of no Goods Vehicle Operator licence. This was followed by an appearance at the Traffic Commissioner where the licence was curtailed from 16 vehicles to 10 vehicles for a period of 6 weeks</p>	<p>This was an allegation made by a member of the public that a Heavy Goods Vehicle was driven dangerously near to a cyclist and that when the driver of the vehicle was challenged, that the driver was aggressive and unhelpful to the cyclist. The cyclist felt that the truck driver had not been aware of the risks offered to the vulnerable road user by such driving behaviour.</p>
Action taken by FORS regarding complaint	<p>A FORS Formal Letter was sent to the larger haulier enquiring why their accreditation had appeared on a different company vehicle. As a result of the company response and lack of justification of the company's actions, this led to the suspension of the larger haulier from the FORS accreditation scheme. In addition, all of the sub-contractors employed by the company and in possession of their own Operator Licenses needed to achieve their own independent FORS accreditation. The large haulier had to undergo and pass an Enhanced Audit before being allowed to progress into the mandatory six month probation period where a second Enhanced Audit was required to be successfully passed prior to completion of the probation period.</p>	<p>FORS communicated with the company at each stage once this incident/information became known to FORS. Once all of the information was received by FORS the company was suspended for a period of 4 weeks had to undergo and pass an Enhanced Audit before being allowed to progress into the mandatory six month probation period where a second Enhanced Audit was required to be successfully passed prior to completion of the probation period.</p>	<p>FORS records all complaints submitted where a FORS company/driver can be identified.</p> <p>The company were contacted and asked to explain what had happened and what steps they would take to ensure that such incidents would not occur in the future.</p> <p>FORS will always investigate to see if a company has breached the FORS Standard.</p> <p>FORS will then review any response.</p>

<p><b>Response from FORS company regarding complaint</b></p>	<p>The company worked with FORS throughout the suspension period and embarked on an agreed plan to get all relevant sub-contractors accredited to Bronze Standard under their own individual Operator Licences.</p>	<p>The company had been in correspondence with FORS throughout the process and acknowledged the period of suspension. An action plan was provided to satisfy the FORS Suspension requirement and the company successfully undertook the enhanced audits and probation period.</p>	<p>There was a thorough response from the company involved. They interviewed the driver regarding the incident and took the opportunity to check on board recorded camera footage. They updated policies to ensure that all fitted cameras were fully operational, forming part of the ongoing driver daily check list. The driver was verbally warned and was required to re sit the Cycle Safety eLearning module. Checks were made to ensure that the driver had recently completed on cycle hazard awareness training - Safe Urban Driving (SUD) course. The company also contacted the complainant to explain their actions.</p>
<p><b>Action taken by FORS regarding response</b></p>	<p>FORS reinstated the larger company following the successful completion of their suspension and probation period and the production of a clear documented plan moving forward to address any scope of accreditation issues.</p>	<p>Company complied with terms of suspension, successfully passed the enhanced audits, they provided a suitable action plan and were able to re-join the accreditation scheme.</p>	<p>FORS corresponded with the company and was made aware of the final outcome which it considered satisfactory and the matter was duly closed.</p>

## Appendix 4 – Complaints and appeals escalation process

### Introduction

FORS companies who feel they have not been treated fairly by the scheme administrator or their certification body may decide to raise a formal complaint where the issue cannot be amicably resolved. This document sets out the protocol to be followed by companies wishing to raise a complaint against the scheme or to appeal against a decision made by the scheme.

The complaints process is also outlined in the FORS Standard Rules and Procedures manual.

### Step by step process for operators (also see Figure 1)

Complaints	Audit appeals
<ol style="list-style-type: none"> <li>1. You must write to the scheme administrator or your certification body or using the words 'OFFICIAL FORS COMPLAINT' in the letter or email title</li> <li>2. The scheme administrator will send you an acknowledgement and a copy of this process document which shall be followed to investigate your complaint</li> <li>3. Within five working days of receipt of the complaint the scheme administrator or certification body will formally respond offering a resolution</li> </ol>	<ol style="list-style-type: none"> <li>1. You must write to the scheme administrator or certification body using the words ' AUDIT APPEAL' within five working days of receiving the audit result in the letter or email title</li> <li>2. The scheme administrator will send you an acknowledgement and a copy of this process document which shall be followed to investigate your audit appeal</li> <li>3. The scheme administrator will forward the complaint to the senior auditor at the certification body. Within ten working days of receipt of the complaint the scheme administrator or certification body will formally respond offering a resolution</li> </ol>
<ol style="list-style-type: none"> <li>4. If you are not satisfied with the response and wish to pursue the matter further within five working days of receipt of the response you may appeal with 'Official FORS complaint' in the letter or email title and request that the issue be referred to senior personnel of respective parties</li> <li>5. Within five working days of receipt of the request to refer the matter to senior personnel the scheme administrator or certification body will formally respond</li> <li>6. If you are still not satisfied with the response and wish to pursue the matter further you may appeal with 'Official FORS complaint' in the letter or email title and request that the issue be escalated to the FORS Governance and Standards Advisory Group (GSAG)</li> <li>7. The scheme administrator will convene a panel of three nominated GSAG members. Each member of the panel will be sent all documentation relating to the complaint and will be asked to independently review the evidence and respond in writing with their recommendation</li> <li>8. Within ten working days the GSAG panel will reach a majority decision and the scheme administrator will notify you of the outcome of the appeal. The decision made by the GSAG panel is final</li> </ol>	

**Step by step complaints and audit appeals escalation process**

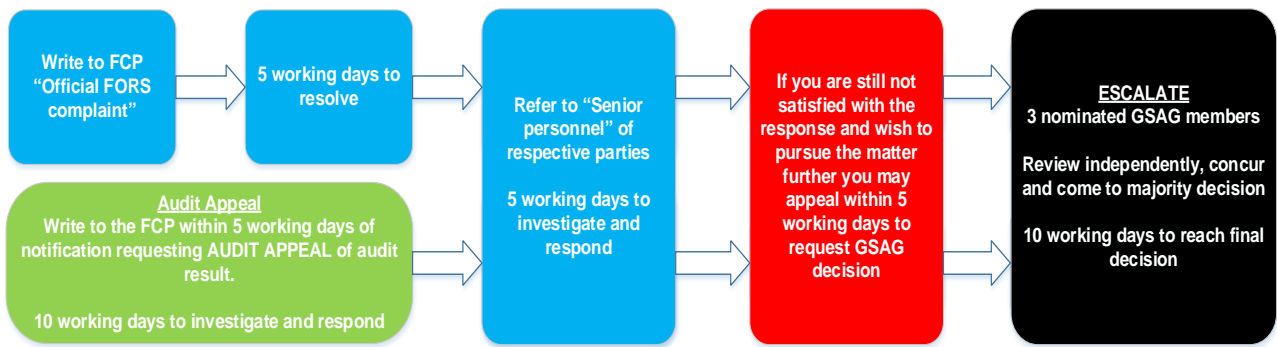


Figure 1: FORS Complaints and audit appeals escalation process