

INVESTIGATION PROCEDURE

Introduction

This document is designed to guide and support those involved in the ALEM Investigation Procedure. This guidance is intended for all parties investigating: complainants, witnesses, members, non-members and others involved during the operation of the procedure. The guidance is available on the ALEM website.

This guidance will be regularly reviewed to ensure that it evolves in response to changes in regulations and standards, conforms to best practice and continues to be effective in use.

It is advised that in the first instance any concerns should be taken up with the supplier in order to give them the opportunity to respond or rectify this issue. ALEM should only be contacted if the supplier fails to address the issues identified.

Purpose of the guidance

This document is designed to assist those involved in the Association's investigation procedures to achieve the commitment from all ALEM members & non-members to supply quality products that are compliant with all relevant UK and European legislation, giving complete confidence to all customers.

Management of process

Any issues regarding the possible non-compliance of either supplied or installed equipment should, if not rectified directly with the supplier be brought to the attention of the Secretary for investigating under this procedure. The person who has raised the issue will be sent a message to acknowledge receipt and further information will be requested if required in order to investigate the issue further.

The person raising the issue is also informed that the Association's powers are limited and, in particular, that it cannot:

- award compensation; or
- award damages; or
- fine; or
- guarantee the quality of work; or
- compel the undertaking of remedial works.

The Executive Committee will be informed of the issue and provided with all the relevant information and evidence required in order to investigate the issue of any possible non-compliance.

In the first instance, the installer will be contacted by a member of the Executive Committee who will discuss the evidence they have seen/received and raise any issues of concern regarding compliance. The Executive Committee member is there to provide guidance and advice to anyone who may not be aware, that the equipment they have provided or installed is possibly non-compliant with the relevant standards.

If the investigation believes that a machine has been supplied or installed that is non-compliant, then the installer will be:

- Asked to recommend to the system owner/duty holder that they stop using the machine, if there is a significant risk to health and safety.
- Asked to rectify the situation with possible notification to the relevant market surveillance authority. This may be by way of, or including, a response to any social media post so the ultimate client is also aware of possible non-compliance placing them at risk of legal responsibility.

In accordance with the constitution of the Association, the Executive Committee has the power to remove any member who is found to supply or install equipment that is non-compliant and does not rectify it.

1. Who can request an investigation and in what form this should be done

- 1.1 You can request an investigation under this procedure if you think that anyone may have supplied or installed non-compliant equipment.
- 1.2 Issues regarding possible non-compliance must be in writing and sent to:

The Secretary
ALEM
Unit 19, Omega Business Village
Thurston Road
Northallerton
DL6 2NJ
Email: alem@admin.co.uk
Social Media: [Facebook or LinkedIn](#)

- 1.3 You must include a statement of what it is that you think has been done and provide any necessary evidence.

2. Process

- 2.1 The Secretary will respond to acknowledge receipt of the issue to be investigated under the investigation procedure within 21 working days.
- 2.2 The Secretary will provide the Executive Committee details of the issue to be investigated.
- 2.3 The Executive Committee will review the information and a member of the Executive Committee will contact the installer.
- 2.4 The installer will be provided with advice and support by a member of the Executive Committee and if any necessary action is required to rectify the situation then they will be asked to do so.

3. What constitutes an issue worthy of investigation?

- 3.1 ALEM members, & non-members, are committed to supply quality products that are in compliance with all relevant UK and European legislation and any breach of this compliance could warrant investigation.
- 3.2 If there is a breach of compliance then a member of the Executive Committee will advise the member/non-member of what should have been done.

3.3 Matters that would warrant an investigation, if given sufficient evidence, could for example include the following:

- Provision of non-compliant equipment.
- Doing anything which threatens the reputation of the Association, or breaches relevant standards or regulations.

4. What constitutes an issue that is not worthy of investigation?

4.1 If there has been no direct contravention of the ALEM commitment to supply quality products that are in compliance with all relevant UK and European legislation and there is no obvious indication that anything to threaten the reputation of the Association has been made, the issue will be considered to be unfounded.

4.2 If the evidence supplied to request an investigation does not appear to justify further action then a member of the Executive Committee might responded stating as such and advise that there is insufficient evidence to proceed.

4.3 Matters that might not warrant an investigation could for example include the following:

- The issue is not related to the ALEM commitment to supplying quality products that are in compliance with all UK and European legislation.
- There is no reasonable supporting evidence.