

Vehicle & Operator Services Agency Operations Manual

14.12.09

Section 3 Vehicle Testing Scheme

Operating Instructions

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1. [Appeals & Reviews - Overview](#)

There are a number of different processes that provide an opportunity for trade members to appeal or request a review of decisions made against them by VOSA or Siemens. Each procedure is different depending on the circumstances that gave rise to the decision or intended decision made.

1.1 [Appeal against the Intent to Refuse to Authorise or Designate](#)

The MVTR provides for an appeal facility where the 'Secretary of State (SoS) is minded' not to Approve, Authorise or Designate a person ('the applicant').

Applicants are those applying for Approval as an AE or seeking approval of a VTS. The MVTR states that 'The Secretary of State shall give notice to the applicant of his Intent to Refuse an application.' Refer to section 4.23 - [Intent to Refuse Process](#) for more details of this process.

The applicant may appeal against a written Notice of Intent to Refuse within 14 working days from the date of the notice, and make written representations that the application should be Approved. The flow chart in [Appendix 3.4](#) outlines the appeal procedure.

The appeal process may be conducted wholly on the strength of written representations, or the written representations may be presented to Appeals Branch Officers in person at an informal

hearing. Informal hearings may be requested by appellants in accordance with the *Notes for Guidance and Code of Practice* issued with the notice of intent to refuse (see [1.3.3](#) - Informal Hearings).

1.1.1 Receipt of Appeal by AO

On receipt of the appeal by the applicant issue standard letter [SL1-077](#) – Appeal Representations - Acknowledgement.

If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

- Ensure that all appropriate supporting documentation and any supporting files are complete and forward them, with the standard covering letter, to MOT Appeals Branch in Bristol **immediately**.

Email Appeals Branch at appeals@vosa.gsi.gov.uk as notification that the MOT file has been sent, detailing the AE/VTs number and any hearing request.

Any subsequent correspondence received in respect of the application must be passed to Appeals Branch immediately on receipt.

The possible outcomes of an appeal against Intent to Refuse are:

- **Appeal upheld** - the applicant is informed that the Area Office will advise of the next stage in the process and continue to process the application.
- **Appeal disallowed** – the applicant is informed of the refusal. Refer to sections 14.4 - [Refused AE Applications](#), for instructions covering the return or retention of documents used in the application process and pertinent to the issued Notice of Intent to Refuse.

1.2 Appeal against the Intent to Refuse to Approve as an NT or DCI

The MVTR provides for an appeal facility where the ‘Secretary of State (SoS) is minded’ not to Approve, Authorise or Designate a person (‘the applicant’).

Applicants are those applying for Approval as an NT or DCI. The MVTR states that ‘The Secretary of State shall give notice to the applicant of his Intent to Refuse an application.’ Refer to [section 16.1 - Intention to Refuse to Approve as an NT or DCI](#) for more details of this process.

The applicant may appeal against a written Notice of Intent to Refuse within 14 working days from the date of the notice, and

make written representations that the application should be Approved. The flow chart in [Appendix 3.4](#) outlines the appeal procedure.

The appeal process may be conducted wholly on the strength of written representations, or the written representations may be presented to Appeals Branch Officers in person at an informal hearing. Informal hearings may be requested by appellants in accordance with the *Notes for Guidance and Code of Practice* issued with the notice of intent to refuse (see [1.3.3](#) - Informal Hearings).

1.2.1 Receipt of Appeal by AO

On receipt of the appeal by the applicant issue standard letter [SL2-077](#) – Appeal Representations – Acknowledgement.

If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

- Ensure that all appropriate supporting documentation and any supporting files are complete and forward them, with the standard covering letter, to Appeals Branch in Bristol **immediately**.

Email Appeals Branch at appeals@vosa.gsi.gov.uk as notification that the MOT file has been sent, detailing the applicants name and any hearing request.

Any subsequent correspondence received in respect of the appeal must be passed to Appeals Branch immediately.

The possible outcomes of an appeal against Intent to Refuse are:

- **Appeal upheld** - the applicant is informed that the Area Office will advise of the next stage in the process and continue to process the application.
- **Appeal disallowed** – the applicant is informed of the refusal. Refer to Section 14.7 - [Refused NT Applications](#), for instructions covering the return or retention of documents used in the application process and pertinent to the issued Notice of Intent to Refuse.

1.3 Appeal against Decision to Cease Authorisation / Approval

If an AE, DC, NT or DCI is given notice by the AM that their Authorisation/Approval is to cease, an appeal may be made against the decision. Refer to section 7.9 – [Notice of Cessation](#) for more details of the circumstances leading to an appeal.

The appeal is dealt with by Appeals Branch, which forms part of

the Corporate Office. The appeal is an independent review of the "evidence" presented by both the Area Office and the AE/NT or their representatives. The review will either uphold or disallow the appeal. If the former, the AE and/or NT will be allowed to remain in the Scheme or they will be re-instated (if the cessation has come into effect). If the latter, the cessation comes into effect at the date defined in the cessation Notice. Where an appeal is not upheld, AEs or NTs may pursue the matter further via their MP to the Parliamentary Ombudsman if they feel there has been maladministration. The Ombudsman cannot overturn a decision but can recommend that the decision be reviewed by the Secretary of State and can rule that compensation for damages may be appropriate.

An aggrieved appellant may also seek permission for a Judicial Review of the Secretary of State's decision by a High Court judge (or the Court of Session in Scotland). This provides a means of challenging in the Courts the exercise of statutory or other public law powers. The most common grounds for seeking a Judicial Review are claims that a decision was unlawful, unreasonable or unfair. The powers of the judge are not limitless. While the judge can decide to quash the Secretary of State's decision, that is to say, declare it unlawful and set it aside, the decision making power remains with the Secretary of State. The judge cannot put himself in the Secretary of State's place and re-make the decision; nor can the Court tell the Secretary of State what decision to reach. A decision quashed as a result of Judicial Review is sent back to the Secretary of State for reconsideration in the light of any guidance as to the legal issues given by the Court. It can therefore happen that the same decision is reached second time around without taint of illegality.

It should be noted that where a cessation has not yet become due, AMs may consider the appeal themselves and set aside their original decision for a lesser sanction. Any change of decision must be documented in the normal manner. Where the cessation has taken effect the appeal must be referred to Appeals Branch.

Informal hearings may be requested by appellants in accordance with the *Notes for Guidance and Code of Practice* issued with the notice of cessation (see [1.3.3](#) - Informal Hearings).

The appellant must submit a written appeal or a request for an Informal Hearing within 14 working days from the date of the notice. A decision on the appeal is subsequently made by the Appeals Manager and a letter informing the appellant of the outcome, with reasons, is sent to the appellant. MOT Appeals observe a target of determining 95% of cases within five weeks of either receipt of the written representations or the hearing date.

1.3.1 Receipt of Appeal by AO

If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

On receipt of the appeal by the applicant issue standard letter [SL1-077](#) or [SL2-077](#), as appropriate.

The letter should be sent to each of the appellant(s), and a copy sent to the consultant or representative.

- Send the relevant file(s) **immediately** to Appeals Branch. If the AE has alleged a switch of vehicles, a check should be made on the progress of the Police investigation before the VTS file is sent to Appeals Branch however the dispatch of the file should not be delayed. A statement outlining the progress made by the Police should be forwarded on if necessary and copied to the AE/NT.

Email Appeals Branch at appeals@vosa.gsi.gov.uk as notification that the MOT file has been sent, detailing the AE/VTS number/NT's name, as applicable, and any hearing request.

1.3.1.1 Preparation of Files for Appeals Branch

MOT files should be well presented; torn file jackets (VT28) should be replaced if necessary.

Appeals Branch should have available to them all of the evidence relating to the events that led to cessation (including the representations from all parties) so that they can conduct a full review and make a properly informed decision. Therefore files should be sent as follows:

- If both the AE and NT appeal and the NT have been continuously employed at the VTS for the last 5 years, send the VTS file. If the NT has worked at another VTS during the last 5 years also send the NT file so that Appeals Branch can review credit points and any cited Formal Warnings and Short Term Cessation (STC) letters issued during that employment. If there are any from employment at another VTS, Appeals Branch will need copies of all of the papers relating to the case, including the representations made at the time by the AE. The AE papers will need to be copied from the relevant VTS file and included in the bundle sent to Appeals Branch.
- If just the AE appeals, send the VTS file.
- If just the NT appeals and he has been continuously employed at the current VTS for the last 5 years, send the VTS file which will contain all of the papers relevant to both the AE and NT. If the NT has worked at another VTS during the last 5 years also send the NT file so that Appeals Branch

can review credit points and any cited Formal Warnings and STC letters issued during that employment. If there are any cited from employment at another VTS, Appeals Branch will need copies of all of the papers relating to the case, including the representations made at the time by the AE. The AE papers will need to be copied from the relevant VTS file and included in the bundle sent to Appeals Branch.

The files must contain all the evidence relevant to the disciplinary case. This includes the complete records of the investigation and any relevant documents, originals where held or copies; copies of the AE and NT Contemplated Disciplinary Letters, the AE and NT's representations in response to Contemplated Disciplinary Letters, the AM/SVE consideration of the case, the AE and NT decision letters; AE and/or NT appeal representations and any additional comments from the reporting officers and the AM's considerations.

1.3.1.2 Late Appeals

Where a letter of appeal is received in the Area Office outside the 14 day period, it must still be acknowledged using standard letter [SL1-077](#) or [SL2-077](#), as appropriate.

If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

- The appeal and the complete main file must be sent to Appeals Branch in the normal way. All 'out of time' appeals will be rejected by Appeals Branch, **not** the Area Office.

1.3.1.3 Consideration by Appeals Branch

The Appeals Branch will review the Area Office's decision to take formal disciplinary action. The aspects considered include, but are not restricted to:

- Were the disciplinary points awarded correctly? (i.e. Consistent with the MOT Testing Guide).
- Were VOSA's procedures followed correctly?
- Are any previous warnings and Short Term Cessation letters valid and therefore to be taken into account?

1.3.1.4 Scope of Review

The review can consider only the contents of the VTS file (including any evidence submitted at an informal hearing). Appeals Branch may contact the Area Office or the appellant for further information but they do not conduct any independent research/investigation. As a result of their deliberations Appeals

Branch review the initial disciplinary points score to ensure it accords with the MOT Testing Guide.

1.3.1.5 Appeals Branch Options and Actions

Following their review, Appeals Branch provide a summary of the case which is passed to the appropriate officer within the Chief Executive's office who in the light of all the evidence subsequently makes a decision on behalf of the Secretary of State. Appeals Branch sends a letter to appellants informing them of the outcome of their appeal and stating the reasons for the decision. There are at least 7 possible outcomes:

- The appeal is allowed (upheld)
- The appeal is allowed subject to conditions (e.g. training)
- The appeal is allowed and the decision by the Area Office to cease Authorisation is commuted to a Formal Warning
- The appeal is disallowed but the period of cessation is reduced, including to only Short Term Cessation.
- The appeal is disallowed
- The appeal is rejected as being out of time
- The appeal is withdrawn

1.3.1.6 Outcome

Appeals Branch place a copy of the letter sent to the appellant and the case papers that they have created, on the VTS file. If Appeals Branch wish to retain the file, a copy of the decision letter will be sent to the AM by first class post on the same day the decision letter is issued to the appellant. Although MOT Computerisation has a provision for Appeals Branch to reset the status of an AE who has ceased to be authorised following an upheld appeal, it is Appeal Branch policy to remain independent from Area Office functions and Area Offices will always be expected to reset the status of AEs themselves using this function. Receipt of the appeal decision letter and its final decision of the case must be entered into MOT Computerisation as an Event.

1.3.2 Recording Appeal Outcome

On receipt of the Appeal decision letter from Appeals Branch enter an Event to record the details and reflect Appeals Branch decision as notified to the appellant/s (refer to section 10.3 – [Event Details](#)).

Where appropriate the Area Office should also ensure that a copy of the appeal case papers and the decision letter are placed on the NT's file.

1.3.2.1 Appeal Allowed (upheld)

Where the effective date of Withdrawal/Disqualification has passed before the outcome of the appeal is reached and the appeal has been allowed, the appellant(s) must be re-instated and their status within the MOT Computerisation must be updated as follows:

Nominated Testers

An NT's role status must be updated from DISQUALIFIED TO ACTIVE, the test group status must be reset to QUALIFIED and the individual test classes must be switched back on.

Authorised Examiners

The status of the AE record must be reset from WITHDRAWN to APPROVED using the [Process Appeal by AE](#) menu option. Any previous AE-VTS Links must be registered as a new AE-VTS Link application, and AE and VTS staff members must be re-associated.

The VTS Plan must be re-instated by selecting the **Inherit** option during the Approve AE-VTS link process. Refer to section 4.15.3 – [Making the AE-VTS Link Active](#). The open activities on the VTS plan will be re-scheduled to a date corresponding to the period the AE-VTS link status was Cessated.

Where the cessation has been commuted to a Formal Warning, after the AE-VTS link has been made ACTIVE, a new Disciplinary Assessment must be recorded (refer to section 17.1 – [When to carry out a DA](#)).

1.3.2.2 Full Term AE Cessation Commuted to STC

Where the effective date of Withdrawal has passed before the outcome of the appeal is reached and the appeal has been disallowed but the term of cessation commuted to 28 days, the status of the AE record must be reset from WITHDRAWN to APPROVED using the [Process Appeal by AE](#) menu option. The AE-VTS Link must however only be re-set by following the procedures of section 4.3.4. - Application Received from AE following Short Term Cessation.

Note: The appellant's decision letter from Appeals will include a VT01F (and VT79 if retraining is necessary).

A new Disciplinary Assessment must also be recorded to account for the STC letter's status as a Formal Warning (refer to section 17.1 – [When to carry out a DA](#)).

1.3.2.3 Appeal Disallowed

Where the appeal is disallowed/rejected the withdrawal/disqualification will remain effective from the originally specified date. If this date has passed, the status of the appellant(s) computer record(s) will already have been updated, if not the status must be updated accordingly on the due date, as notified in a standard report.

1.3.3 Informal Hearing

Where an appellant decides he would like to present his appeal case personally, he may request an Informal Hearing. He may represent himself or be represented by a trade organisation, consultant or legal representative. Oral representations will be recorded by the Appeals Branch and taken into account together with all the evidence on file before the appeal is determined.

If a request for an Informal Hearing is received by telephone, the appellant must be asked to put the request in writing.

The written request must arrive at the Area Office within 14 working days of the issue of the notice (of Intent to Refuse to Authorise, Approve, Designate, or Withdraw/Disqualify) and may be sent by hand, fax or recorded delivery.

If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

1.3.3.1 Notifying Appeals Branch

- On receipt of the written request notify Appeals Branch as soon as possible, but **no later** than the end of the next working day.
- Send notification via email, the email address that **must** be used is appeals@vosa.gsi.gov.uk, detailing the AE/VTs/NT's name, as appropriate. **Do not** use any other email address to send notification of an Informal Hearing.

1.3.3.2 Written Statement/Representations

As part of the Informal Hearing procedure the appellant should normally provide written statements/representations.

They should be provided within 14 working days of the issue of the notice, and contain full particulars of the case he wishes to make at the hearing, including a list of any documents he may wish to refer to.

However, he may state in writing that he would prefer to rely on the written representations made earlier to the AM, providing he makes the request within the 14 day period.

1.3.3.3 Acknowledge Receipt of Appeal

Issue standard letters [SL1-078](#) and [SL1-079](#) and/or [SL2-078](#) and [SL2-079](#), as appropriate, to each of the appellants who have requested a hearing. Send a copy to any consultant(s) or representative(s) of the appellant.

If the written statement/representations are not received with the request, issue standard letter [SL1-081](#) and/or [SL2-081](#) to remind the appellant(s) that they must be submitted within 14 working days of the date of the notice.

In cases where the statement/representations is received at the same time as the written request pass them to the AM to review before the file is despatched to Appeals Branch.

1.3.3.4 AM Review

The AM will review the statement/representations received and record his comments/observations on the file.

The AM may either:

- Decide to rescind the original notice, provided the effective date has not been reached.
- Consider that the original notice is justified.

1.3.3.5 Preparing the File for Despatch

Make copies of the VE's report and any other documentation relating to the case and retain for use by Area Office personnel at the hearing.

Place the copies in a temporary file, which must be destroyed on the return of the original file.

Send the complete VTS/AE/NT file to Appeals Branch immediately. If possible, a list showing the dates on which each of the Area Office staff involved in the case would be free to attend the hearing may be sent (a period of three weeks from the request for the hearing will normally be sufficient).

1.3.3.6 Late Submission of Written Statement/Representations

If the statement/representations are received after the despatch of the file, send [SL1-077](#) or [SL2-077](#) 'acknowledgement' letters to each appellant and copies to any consultant(s) or representative(s).

If the AM requires the VTS file in order to conduct his review of the statement/representations, request that Appeals Branch return it.

- The statement/representations must be sent to Appeals Branch as soon as the AM has completed his review. If the statement arrives by fax this must be sent to Appeals Branch. When the fax is followed by a mailed copy this must also be sent to Appeals Branch. A copy should be retained in the Area Office temporary file.

If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

1.3.3.7 Hearing Arrangements

Area Office staff who have been involved in reporting and/or considering the evidence may be invited to the hearing. Appeals Branch will confirm the availability of Area Office staff prior to setting the date for the hearing. The invitation will initially be made by phone and confirmed by email which will detail the date, time and venue.

Appeals Branch will arrange the date and venue of the hearing with the appellant(s).

1.3.3.8 Hearing Decision

The proceedings at an Informal Hearing will be recorded on audio tape. The tape and a transcript will be available on request.

The decision will be made after the hearing by the Appeals Branch Officer present at the time. Once the decision has been reached Appeals Branch will issue written notification to all appropriate parties.

The Outcome must be recorded as an event as in [1.3.2](#).

1.4 Review of a Formal Warning

There is no right of appeal against a Formal Warning at the time it is issued, however, the recipient may request to have the decision reviewed where they believe that the Formal Warning itself is unjustified, or the disciplinary points allocated is

considered to be excessive.

All requests for a review must be submitted in writing to the Area Office within 14 working days from the date of the Formal Warning. Requests for a review may be supported by further written representations but no informal hearings will be offered. When a request is received all the paper work and the VTS/NT file(s) should be forwarded to the AM/SVE for the case to be reviewed in light of any new representations.

The request for a review should be acknowledged using the letter in the relevant disciplinary DAR pack (*VOSA Documentation*), if the AM/SVE has reviewed the file his decision to rescind or refer the case may also be included.

The requirement to provide written assurances by the AE/NT and or their attendance on NTTD or MOT Managers' course by the dates specified in the Formal Warning letter will be suspended pending the outcome of the review. These dates should be removed from the Area Office B/F system.

If the subject of the formal warning is an NT who has been directed to attend a NTTD course then the directed re-training date entered on to MOT Computerisation should be removed (or updated if the final outcome known), this will prevent the system generated alerts being sent.

Where a letter of request is received in the Area Office outside the 14 day period, the letter must be acknowledged using the letter in the relevant disciplinary DAR pack (*VOSA Documentation*). If received by post, it is vital that the complete envelope is retained on file in order to confirm the date of posting.

The request and the complete main file must be sent to Appeals in the normal way. All 'out of time' requests will be rejected by Appeals, **not** the Area Office.

1.4.1 Review by AM/SVE

The AM/SVE will review the case and decide whether:

- a. to rescind the Formal Warning completely,
- b. a Formal Warning decision is still justified

1.4.1.1 Rescind the Formal Warning

Notify the AE/NT of the AM's or SVE's decision using the letter from the relevant DAR pack in VOSA documentation. A second

Event to detail the decision and final outcome of the review must be entered on to MOT Computerisation (refer to section 10.3 – [Event Details](#)).

Where an AE Formal Warning is revoked, action must be taken to review the VTS risk score and RAG status. Refer to section 17.1.1 - [Formal Warning revoked following a request for a review](#).

1.4.1.2 Formal Warning decision is still justified

If the AM/SVE decides that the Formal Warning is justified with the original or a reduced number of disciplinary points, then all representations and case papers must be sent immediately to Appeals along with the AM/SVEs comments.

Email Appeals at appeals@vosa.gsi.gov.uk as notification that the MOT file has been sent, detailing the AE/VTS number/NT's name, as applicable,

Appeals should have available to them all of the evidence relating to the events that led to Formal Warning (including the representations from all parties) so that they can conduct a full review and make a properly informed decision. Therefore VTS/NT file(s) should be sent containing all the evidence relevant to the disciplinary case. This includes the complete records of the investigation and any relevant documents, originals where held or copies; copies of the AE and NT Contemplated Disciplinary Letters, the AE and NT's representations in response to Contemplated Disciplinary Letters, the AM/SVE consideration of the case, the AE and NT decision letters; AE and/or NT review representations and any additional comments from the reporting officers and the AM's considerations.

1.4.2 Review by Appeals

Appeals will review the case in the same manner as they would an appeal, but no informal hearings will be offered and no service level agreement given.

Once Appeals has reached a decision they will inform the AE/NT of the outcome of the review and forward copies of the outcome letters to the Area Office. A second Event must be entered on to MOT Computerisation to detail the decision and final outcome of the review (refer to section 10.3 – [Event Details](#)).

Where an AE Formal Warning is revoked, action must be taken to review the VTS risk score and RAG status. Refer to section 17.1.1 - [Formal Warning revoked following a request for a](#)

[review](#).

Where a Formal Warning still stands with the original or reduced points written assurances will be required to be submitted by the recipient, also attendance on a NTTD or MOT Managers course may still be required. These requirements will be detailed in the outcome letter sent from Appeals. Assurances will be required within 15 working days of the date of the outcome letter and attendance on a course within 35 working days. The Area Office B/F system should be updated to reflect the new dates.

Where the outcome of the decision still requires an NT to attend a NTTD course the directed re-training date on MOT Computerisation must be reset to ensure all relevant alerts are generated. This new date and any change to the training requirements for the NT must be detailed on the Directed Re-Training form [Application for MOT Managers Course \(VT 79\)](#) and forwarded to Training Services.

1.4.3 Change of Decision affecting another party

Where a disciplinary case leads to the issue of Formal Warnings to an NT and AE, it is possible only one party may request a review. The review will be conducted and an outcome reached on behalf of the party who requested the review taking into account any additional evidence they may provide.

Where the outcome decision does not result in the Formal Warning being rescinded but the disciplinary points allocated are reduced a note of the outcome should be placed on the relevant files for the other parties involved in the original case where they have not requested a review themselves. This should also be recorded on MOT Computerisation using a new Memo Event (refer to section 10.2 – [Memo Events](#)) for the relevant parties. This will then be taken into consideration if cessation is considered against the AE/NT in the future.

If the outcome of the review is such that the Formal Warning is rescinded, there may be grounds for any additional parties involved in the original case to have their Formal Warnings also rescinded. These should be reviewed in light of the decision and if there are grounds to rescind the Formal Warnings they must be informed using the letters contained in the relevant DAR pack. A new event will need to be recorded on MOT Computerisation detailing the final outcome where it has changed for each recipient. If the other party is an AE; a new Disciplinary Assessment must be recorded (Refer to section 17 – [Disciplinary Assessment](#) for details).

1.5

Appeal against Siemens Refusal to Install a VTS Device

After a VE has visited and agreed the VTS Device environment meets requirements and that a new site is likely to be authorised; Siemens will be contacted and advised that a new site can have a VTS Device installed.

If Siemens subsequently reject any aspect of the computer installation facility, their engineer/installer will contact their Service Desk and appraise them of the situation. The Service Desk will then contact a nominated VOSA Area representative and advise them of the situation, requesting that the VTS is contacted within 10 minutes to discuss the issues.

If, through discussions with the VOSA representative, the VTS accepts the findings, the 20 minute rectification and/or second visit policy will be implemented by Siemens.

If the VTS continues to dispute Siemens' decision, Siemens will arrange another visit within 5 working days with the VOSA representative in attendance. At no stage during this visit, should VOSA staff openly argue with Siemens and any discussion must take place in private. Similarly VOSA staff should not act as a messenger for Siemens but should support any agreed decision with part 6.6 of the [Requirements for Authorisation for an Authorised Examiner](#).

If VOSA are in agreement with Siemens, and the AE still disputes the matter, the VOSA representative must arrange the issue of a 'notice of intent to refuse' (Refer to section 4.23 – [Intent to Refuse Process](#)s).

If the Siemens engineer/installer's decision cannot be supported and or, the AEDM cannot or refuses to make alterations, Siemens will not install or replace equipment but will refer the matter for independent evaluation.

It is important that, in such cases, photographs are taken of the contentious detail to enable VOSA to centrally review our disagreement with Siemens at a later date.

1.6

Use of e-mail Communications

Wherever the terms 'written' or 'in writing' are used in connection with communication from AE's and NTs, they should be taken to cover correspondence via e-mail. All initial correspondence should now include the area office e-mail address (area??mail@vosa.gov.uk) in order to invite such responses.

For the purpose of meeting receipt deadlines, a date of receipt

should be taken to be the date of transmission so long as no material delay has occurred due to delayed replication. The receipt of all e-mails must be acknowledged. Although decision letters may be e-mailed back as attachments the original hard copy must also be posted in the normal way.

Note: Copies of all e-mails received and sent must be printed and placed on file.

