

# UKPMS Accreditation – Escalation and Appeal Process

## Introduction

UKPMS is a valued and respected standard for pavement management systems in the UK. In addition to being used for national performance reporting, UKPMS-accredited systems are also used by many local authorities to provide accounting information on their highway infrastructure assets. UKPMS accreditation and the UKPMS Annual Health Check (AHC) provide assurance that the UKPMS standard is being maintained and that consistent results are being generated. The use of UKPMS to provide financial information is likely to lead to increased auditor scrutiny of UKPMS accreditation and the AHC process.

UKPMS accreditation and the AHC is the responsibility of the Road Condition Management Group (RCMG) under the auspices of the UK Roads Board (UKRB). The RCMG have appointed accreditors (Linhay Consultancy and Hyperion Infrastructure Consultancy) to conduct UKPMS accreditation and the AHC.

The purpose of this report is to describe the UKPMS accreditation escalation and appeal process. The AHC escalation and appeal process was ratified by the UK Roads Board at their meeting on 30-Sep-16 and the extended version (to cover initial accreditation too) was ratified by the chair of RCMG on 03-May-19.

The report contains the following sections:

- **Background:** This explains the process in place prior to the introduction of the escalation and appeal process.
- **Principles of the escalation and appeal process:** This sets out some underlying principles of the escalation and appeal process.
- **Escalation process:** This describes the escalation process and lists the framework of sanctions.
- **Appeal process:** This describes the appeal process.
- **Consultation history:** This summarises the consultation undertaken during the development of this process.

## Background

The overall process for UKPMS accreditation and the AHC is that the accreditors set annual tests which are carried out by developers and the results submitted to the accreditors. Once the accreditors are satisfied with the test results, they make a recommendation to the chair of the RCMG for a decision. This recommendation may include various caveats about the system in the form of sanctions; these sanctions are explained in more detail in the Escalation Process (below). On occasion the accreditors may draw the attention of the chair of RCMG to a particular concern or the RCMG chair may ask questions based on the information supplied before reaching a decision.

Prior to the introduction of the escalation and appeal process the UKPMS Requirements document included a statement that:

In the event of any dispute between the Developer and the UKPMS system accreditor the matter will be referred to the RCMG for a decision. (UKPMS Annual Health Check 2015 Requirements, 2015:8)

In the context of increased scrutiny of the AHC process, it was deemed timely to clarify the current process and make it more robust and transparent so that all parties are aware of their responsibilities and the possible consequences of not meeting the UKPMS requirements.

When the new UKPMS accreditation process was introduced in 2019, it was recognised that the existing escalation and appeal process (which was linked to the AHC) should be extended to cover the accreditation process too.

Under the escalation and appeal process, accreditation decisions are made by the chair of RCMG based on recommendations and technical support from the accreditors. These decisions are based on agreed principles and fit within an escalation framework. There is an appeal process for the developer if they do not agree with the RCMG decision.

### Principles of the Escalation and Appeal Process

The underlying principles for both UKPMS accreditation and the AHC are that it is fair, transparent, timely and robust. These principles are also reflected in the escalation and appeal process.

- **Fair:** Clearly sanctions in the escalation process must be applied fairly and the appeal process must be fair to the developer who has raised the appeal. However, this must be balanced with fairness to other developers; to local authority users of UKPMS and to other stakeholders (e.g. national bodies) who have an interest in UKPMS and who rely on UKPMS results and who expect the standard to be maintained by UKPMS-accredited systems.
- **Transparent:** One way to ensure fairness is for the process to be transparent so that the framework of sanctions and way in which an appeal is conducted are published and available for scrutiny. It is also important to keep records and evidence to show why sanctions have been applied and how decisions have been reached.
- **Timely:** The entire process must be undertaken in a timely and prompt way. The developer must appeal promptly if they are dissatisfied with the accreditation or AHC process or with a sanction imposed and the appeal must be handled promptly so as to avoid any unnecessary delay in reaching a decision.
- **Robust:** The escalation and appeal process must be robust enough to maintain the integrity of UKPMS accreditation and the respect for UKPMS-accredited systems.

The escalation and appeal process described below has been developed to support these principles and the intention is for it to be applied in a way which upholds these principles.

The process is owned by the RCMG on behalf of the UK Roads Board.

### Escalation Process

Each UKPMS system is different and there are many ways of satisfying the UKPMS requirements. For example, some reports may contain all the required information but be presented in a slightly different format. Other departures may be less acceptable. The escalation process sets out the available sanctions and indicates the type of circumstances which may trigger these.

During both the accreditation process and the AHC process there is a dialogue with each developer (which is recorded in a document exchanged between the accreditors and the developer). The aim of this dialogue is to discuss any departure from the UKPMS standard so that the accreditors can make a recommendation to the RCMG chair about the accreditation status for that system version and any sanctions associated with the accreditation. If the developer does not agree with the recommendation of the accreditors then this dialogue document (which contains contributions by the developer and the accreditors) and any other evidence submitted by the developer may be handed over to the RCMG chair as supporting information to enable the RCMG chair to reach a decision. The decision about accreditation and sanctions is the responsibility of the RCMG (via the RCMG chair); the role of the accreditors is to provide a recommendation.

The table below describes the framework for the escalation process; it lists the various sanctions in increasing order of severity and explains the circumstances where they may be applied. In some circumstances a single issue may incur more than one sanction; an obvious example is that a Note or Warning may also be reflected in the Improvement Plan.

Sanction	Description
Agreed Difference	<p>During the accreditation or AHC process, the accreditors may investigate detailed issues and be satisfied by the developer's explanation of these. If these differences are deemed to be trivial then they may be recorded as an Agreed Difference. Agreed Differences are not considered to have an impact on accreditation status; they are recorded on the Further Information sheet for the chair of RCMG but not publically distributed.</p> <p>The purpose of Agreed Differences is to provide a record of issues which have already been discussed with the developer so that a decision can be made in subsequent AHCs without repeating the original detailed investigation. Typically Agreed Differences are carried forward from one year to the next but this is not binding (e.g. a change to the UKPMS requirements may mean that a specific Agreed Difference is no longer acceptable).</p> <p>An example of an Agreed Difference is as follows:</p> <p style="padding-left: 40px;">By default, LGRD, LCRV and LFAL are omitted from the data selected for analysis for Weighting Set processing and so are missing from the RCI coverage report. This is configurable by the user.</p>
Note	<p>These are issues which are deemed to be acceptable for accreditation or the current AHC but which may be important for users, such as a record of any optional tests which have not been submitted. Notes are listed on the accreditation certificate which provides confirmation of the accreditation status for the system version. Accreditation certificates are publically available (currently via the RCMG website) and so all Notes currently issued for UKPMS systems can readily be viewed.</p> <p>An example of a Note is:</p> <p style="padding-left: 40px;">All section labels are automatically changed to upper case when imported.</p>
Improvement Plan	<p>These are issues which are deemed to be acceptable for the current AHC, but which the developer is required to resolve before the next AHC (or exceptionally by some other agreed deadline). They are recorded on the Further Information sheet for the chair of RCMG but not publically distributed. If they are of interest to the user then the issue will also be listed as a Note.</p> <p>An example of an Improvement Plan item is:</p> <p style="padding-left: 40px;">System XX currently does not export the Kerb Type attribute. Inventory HMDIF files should export this attribute (when present).</p> <p>This sanction is not used during the initial accreditation of a system.</p>
Special Measures	<p>If there are concerns about the way in which a developer has conducted the AHC then the accreditors may recommend to the RCMG that the developer be placed under special measures for that year's AHC. The exact format of the special measures is decided by the chair of RCMG on a case-by-case basis but may include visits to the developer or some other form of extra scrutiny. Normally there will be a charge to the developer for any extra work undertaken by the accreditors on behalf of RCMG. This charge will be subject to approval by RCMG.</p> <p>This sanction is not used during the initial accreditation of a system.</p>

Sanction	Description
Warning	<p>If there are issues which have a material impact on the use and interpretation of results from a particular UKPMS system then the appropriate sanction may be a Warning. This sanction may also be invoked if Improvement Plan items are not addressed by the agreed deadline. An example of this is if there is an anomaly in the way in which a developer generates or loads HMDIF files. The developer will be required to supply details of any existing or prospective users of their system and these will be contacted by the accreditors (on behalf of the RCMG) to warn them of shortfalls in the system and any recommended mitigation measures. Normally there will be a charge to the developer for any extra work undertaken by the accreditors on behalf of RCMG. This charge will be subject to approval by RCMG.</p> <p>If the underlying issue is not addressed by the developer then the Warning may also be applied in subsequent AHCs or the RCMG may decide that the issue warrants a different sanction in subsequent years.</p> <p>This sanction is not used during the initial accreditation of a system.</p>
Loss of accreditation	<p>In order to maintain the integrity of the UKPMS standard the ultimate sanction for a system is loss of accreditation. This only applies in extreme circumstances where the system falls short of the UKPMS standard and the developer is not able or willing to reach the necessary standard in a timely manner. Initially this sanction takes the form of a temporary loss of accreditation; the developer can be reinstated if they resolve the issue and complete all intervening AHCs. However, after a specified number of years have elapsed then the loss of accreditation is permanent and the developer is in the same position as any other organisation without an accredited UKPMS system; that is, they would need to reapply for accreditation via whatever mechanism is in place at that time. Typically, for practical reasons, the temporary loss of accreditation will become permanent after two years.</p> <p>This sanction is not used during the initial accreditation of a system.</p>

The aim of the escalation process is to resolve issues in a supportive way while maintaining the UKPMS standard. All involved will use their best endeavours to communicate and understand the issues under discussion in order to try to find a satisfactory and proportionate resolution. When deciding the detail of the sanction (e.g. the wording of a Note), the developer is encouraged to contribute suggestions so that the issue is conveyed in a way which is acceptable to all parties.

However, there may be occasions when the developer does not agree with the RCMG decision or wishes to raise a grievance about the RCMG or the accreditors (e.g. a complaint about how the tests have been designed or conducted). In these circumstances the appeal process may be invoked and this is described in the following section.

### Appeal Process

The appeal process can be invoked by the developer if they do not agree with the RCMG decision (including any sanctions) or if they have a complaint about the way in which the accreditation or AHC process has been handled by the RCMG or the accreditors.

The developer must initiate their appeal in a timely way. They can only lodge an appeal about the current AHC. So, for example, the developer can only appeal about the 2016 AHC between August 2016 and July 2017; appeals about previous AHCs will not be considered. This does not preclude evidence from previous AHCs being submitted provided it is relevant to the current appeal. Similarly, appeals relating to the accreditation process must be submitted promptly.

The appeal must be submitted in writing to the chair of the UK Roads Board, and copied to the RCMG chair and the accreditors. The developer must state clearly the grounds for their appeal. The UK Roads Board may seek further information from the developer, the RCMG chair or the accreditors. This information will be shared between all these parties so that it can be subject to challenge. The UK Roads Board may choose to involve other parties, for example to obtain additional perspectives or technical insights into the issues and again, in the interest of transparency, any third-party advice will be disclosed to all involved in the appeal.

The UK Roads Board may choose to conduct the appeal hearing by email, teleconference or via a face-to-face meeting. After the hearing, they will produce a statement to uphold or reject the appeal and will set out the reasons for their decision. The decision of the UK Roads Board is final.

## **Consultation History**

For the escalation and appeal process to be worthwhile, it is recognised that it must have the support and respect of the industry. The key stakeholders are the UK Roads Board and the RCMG (due to their responsibilities in this process and because they represent the wider industry); the UKPMS developers (for whom the process has been developed); the accreditors (who have a role in facilitating the process); and the SCANNER accreditors and Visual Survey Subgroup (so that ideas can be shared regarding any escalation and appeal process they may have or wish to introduce).

A consultation process was carried out during the initial development of this process and this led to the ratification of v1.04 by the UK Roads Board at their meeting on 30-Sep-16. Version 2.00 was produced to update the document from a proposal to an approved process following this ratification. During the initial consultation phase the following steps were undertaken.

1. The document was shared with the chair of the RCMG for comment and suggestions and was approved for circulation and consultation.
2. The following consultation strands then proceeded in parallel (via email and/or telecon):
  - a. The chair of RCMG raised awareness with the UKRB (via the meeting held 05-Jul-16) about the scope and design of the process, so that they could offer preliminary feedback about the overall direction of the process. The UKRB gave their approval.
  - b. The accreditors consulted with developers and received supportive feedback from those who responded.
  - c. The accreditors consulted with the SCANNER accreditors and Visual Survey Subgroup and modified the process accordingly.
  - d. The chair of RCMG carried out a consultation with RCMG members (via the meeting held 22-Sep-16).
3. The UK Roads Board ratified the process (30-Sep-16) to take immediate effect.

Following the initial introduction of the escalation and appeal process (October 2016), the process was subsequently extended (via v3.00) in May 2019 to include UKPMS accreditation and this was ratified by the chair of RCMG.

### *Linhay Consultancy & Hyperion Infrastructure Consultancy*

*V1.00: May 2016*

*V1.01: June 2016*

*V1.02: August 2016*

*V1.03: August 2016*

*V1.04: September 2016*

*V2.00: October 2016*

*V2.01: April 2019*

*V3.00: May 2019*