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Minimum Standards Non-Compliance

Standard Operating Procedure

Standard Operating Procedures are designed to be shared with members and new member applicants in the interests of transparency.

1. Introduction

The ADCH Minimum Welfare and Operational Standards were developed and approved by Trustees and Members and form the basis of Membership. ADCH requires Members to meet a set of Minimum Standards that:

- safeguard animal welfare;
- safeguard the reputation of the member organisations, ADCH and the sector at large;
- are proportionate and realistically achievable

It is essential, as a condition of membership, that all Members engage with the Minimum Standards assessment process and plan to remedy areas of non-compliance.

2. Procedures

2.1. There are 3 groups of applicants and members addressed below:

- New applicants not meeting Minimum Standards
- Existing Members not complying with the requirement for an assessment
- Existing Members not meeting Minimum Standards.

2.2. In any case of non-compliance below, ADCH will try to support Members and applicants to achieve compliance. They will be invited to demonstrate that they are making strides to achieve the necessary changes to meet Minimum Standards. The obligation then lies with the applicant or Member to inform ADCH when they believe that they are fully compliant so that a follow-up assessment can confirm their status and they can be considered for membership or continuing membership. Support can be accessed by contacting the designated assessor(s) or staff. It may take the form of:

- One to one support sessions
- Site visits, either virtual or in-person
- Signposting to grant funding to assist with improvements
- Signposting to Battersea Academy and other training opportunities
- Signposting to templates and tool kit resources
- Buddying [for example from a nearby established member that could support them to see how improvements can be implemented, by visits or remotely etc]

2.3. Throughout this Standard Operating Procedure reference to 'SAWC' or 'the Committee' refers to ADCH's Standards and Animal Welfare Committee, which has delegated authority from the Trustees to make decisions on Membership as described below. Appeals are heard by the Trustees.

3. Applicant not meeting Minimum Standards

3.1. When an applicant is assessed for membership and found not to meet the Minimum Standards, the Committee will consider:

- Whether any non-compliance is a score of zero indicating total non-compliance on a standard, or a score of 1 indicating partial compliance
- any action plan that can be agreed upon between ADCH and the prospective member;

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- whether the action plan can be achieved within a realistic, specified, time frame;
- the potential or actual risk to animal welfare and ADCH reputation; and
- whether admission to full or provisional membership is appropriate or not.

3.2. An applicant who is not admitted to Membership must be allowed the right to appeal.

3.3. In any decision whether or not to admit an applicant to Membership the SAWC and Trustees shall take account of the ADCH Constitution which states (May 2021 version):

9 (2) (b) Admission procedure

The charity trustees:

- i. may require applications for membership to be made in any reasonable way that they decide;
- ii. shall, if they approve an application for membership, notify the applicant of their decision within a reasonable timeframe.
- iii. may refuse an application for membership if they believe that it is in the best interests of the ADCH for them to do so;
- iv. shall, if they decide to refuse an application for membership, give the applicant their reasons for doing so, within a reasonable timeframe of the decision being taken, and give the applicant the opportunity to appeal against the refusal; and
- v. shall give fair consideration to any such appeal, and shall inform the applicant of their decision, but any decision to confirm refusal of the application for membership shall be final.

4. Existing Members not complying with the requirement for an assessment

4.1. All members are required to complete and submit a self-assessment or host an external assessment on a timescale set by ADCH, not more than 8 weeks, and failure to do so may result in termination of membership. If the ADCH has made three notification attempts without the necessary assessment being completed, or a date for an external assessment arranged, then non-compliance will be considered by the SAWC.

- The Committee will review any known reason(s) why the assessment has not been completed.
- The Committee may choose to offer a revised deadline for completion, in which case this must be agreed with the member organisation.
- The Committee has delegated authority to recommend to the Board of Trustees termination of membership and may do so in cases of non-compliance with the requirement for an assessment.
- In deciding on termination of membership, the Committee and Trustees will consider:
 - whether sufficient support has been offered and / or given
 - the amount of time since the previous assessment
 - other aspects of mandatory engagement, for example submission of the ADCH Annual Return and payment of fees.

5. Non-compliance with Minimum Standards (provisional or full member)

5.1. If a Member's assessment evidences that the Member does not meet the Minimum Standards the Member is required to draw up an action plan with timescales to remedy any non-compliance.

5.2. The SAWC will consider the assessment and plan and may:

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- investigate further, for example to ascertain a clear understanding of the hurdles faced by the member and the appropriateness of the timescales in the plan;
- decide whether to accept the plan and allow the Member the time shown in the plan before reviewing progress.;
- Offer additional support if appropriate, as per 2.2.

5.3. At the end of the timescale shown in the agreed plan, if the Member still does not meet the Minimum Standards, the SAWC may:

- investigate further, for example to ascertain a clear understanding of the hurdles faced by the member;
- provide the Member more time to meet the Minimum Standards. This may not be appropriate if there are significant compromises to animal welfare.
- request a further self-assessment
- request an external assessment by two assessors to visit the member organisation to see if it is possible to re-engage with the organisation.
- recommend to Trustees the terminate membership, as set out in section 6 below. In deciding on termination of membership, the Committee will consider whether sufficient support has been offered and / or given and the amount of time since the assessment evidencing non-compliance.

6. Failure to comply

6.1. In the event that the member organisation fails to provide a self-assessment, participate in an external assessment, or meet the agreed action plan within the agreed timescale then the following will be considered by the SAWC:

- Were there any special circumstances that could have impacted on the organisation's ability to address some or all of the action points? E.g. severe financial or personnel (staff or volunteer) issues etc. When was ADCH made aware of these?
- Has the organisation addressed *any* of the action points agreed?
- Will the granting of an extension of the action plan (e.g. between 6 and 12 months) enable the organisation to make the required revisions?
- Is there the evident motivation to meet the required standards?

6.2. The SAWC will carefully review all mitigating circumstances and the member organisation's intentions. If the SAWC identifies that the member organisation is unlikely to make sufficient improvements to address the non-compliance issues, even with an extension, then SAWC may decide to recommend to Trustees the termination of membership.

7. Outcome

7.1. The Board of Trustees may consider one of the following actions if a member is unable, or unwilling, to address matters of non-compliance with the Minimum Standards:

1. Transfer from full membership to provisional membership status. Provisional membership in these circumstances will only be permissible for a maximum of 12 months and it will be up to the member organisation to demonstrate they have made the necessary changes. If this has not occurred, then membership will be terminated.

2. Termination of membership. In this instance the member organisation will not be able to reapply for membership for at least 12 months. If membership is terminated after that year's fees have been paid, then the organisation will receive a pro-rata refund, from the date that the termination is confirmed with the organisation.

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8. ADCH Constitution - Termination of membership

In making any decision on termination of membership the Board of trustees shall ensure that they take account of the ADCH constitution which states (May 2021 version):

9 (5) Termination of membership

- a. Membership of the ADCH comes to an end if:
 - i. an individual member dies, or, in the case of an organisation (or the representative of an organisation) that organisation ceases to exist; or
 - ii. the member sends a notice of resignation to the charity trustees; or
 - iii. any sum of money owed by the member to the ADCH is not paid in full within three months of its falling due; or
 - iv. the charity trustees decide that it is in the best interests of the ADCH that the member in question should be removed from membership, and pass a resolution to that effect.

- b. Before the charity trustees take any decision to remove someone from membership of the ADCH they must:
 - i. inform the member of the reasons why it is proposed to remove him, her or it from membership;
 - ii. give the member a reasonable timeframe to make representations to the charity trustees as to why he, she or it should not be removed from membership;
 - iii. at a duly constituted meeting of the charity trustees, consider whether or not the member should be removed from membership;
 - iv. consider at that meeting any representations which the member makes as to why the member should not be removed; and
 - v. allow the member, or the member's representative, to make those representations in person at that meeting, if the member so chooses.

9. Definitions

9.1. Provisional Membership has all the rights and duties of Full Membership except voting and is granted when:

- it has not been possible for an organisation to provide evidence of compliance with ADCH Minimum Standards, eg where an assessment cannot be carried out due to pandemic restrictions, or
- other factors mean that the organisation does not meet ADCH Minimum Standards but the Committee decides to allow more time to meet the standards and decides that Provisional Membership is appropriate.

9.2 The requirement for an action plan will be the rescue's responsibility, to be shared with ADCH. Timescales and plans to address areas of non-compliance should be included in the assessment form where indicated at the end.