



APS Appeals Procedure

INTRODUCTION

In any system, whether it be legal, educational, or corporate, the appeals procedure is a fundamental aspect that ensures fairness and justice. An appeals procedure provides individuals with the opportunity to challenge decisions that they believe are incorrect, unfair, or unjust.

UNDERSTANDING APPEALS

An appeal is a formal request for a review of a decision made by the APS assessors. The purpose of an appeal is to reassess the decision to determine if it was made correctly, based on the evidence and the applicable scheme requirements for evidence.

For APS purposes Administrative Appeals are to be used solely when an applicant has an issue with a grading decision or refusal for membership.

All appeals associated with the PDBR Register scheme administered by APS will be reviewed in the first instance by a second assessor assigned by the Membership Secretary and then to the APS CEO for ratification or final decision. The appeal results will be advised to the appellant by the Membership Secretary.

APPEAL PROCEDURE FOR APS PDBR REGISTER

The Association for Project Safety (APS) ensures a fair and transparent process for individuals applying to join the Principal Designer Building Regulations (PDBR) Register. If an application is unsuccessful, the applicant has the right to appeal the decision. Below is the detailed procedure to guide an applicant through this process.

OBJECTIVE OF THE PDBR REGISTER

The APS PDBR Register is designed to help practitioners demonstrate their competence to carry out the principal designer duty holder role under the Amended Building Regulations (England) and in accordance with PAS 8671. If an application is unsuccessful, the appeal process provides an opportunity for the case to be reviewed.

THE APPEALS PROCESS

STEP 1: NOTIFICATION OF A DECISION

If an application for the PDBR Register is not successful, the applicant will be notified by the APS Membership Secretary. This notification will include the reasons for the decision and details on your right to appeal (this document).

STEP 2: GROUNDS FOR APPEAL

An applicant may appeal the decision if they believe one or more of the following applies:

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- **Evidence ignored or not taken account of** - Relevant evidence or qualifications were not considered during the initial assessment.
- **Evidence rejected** - Evidence submitted was rejected as not relevant or insufficient, which the applicant contests.
- **Issues with the assessor** - The applicant contends that the assessor was displaying prejudice or misplaced emphasis on matters not relevant to the application.
- **Conflict of interest** – The applicant contends that the assessor had a conflict of interest.
- **Procedural Error** - A procedural error occurred during the assessment process that affected the outcome.
- **Insufficient time** – The applicant was not given sufficient time to respond or made aware, in writing, of response timescales.

Be mindful that appeals cannot be based solely on dissatisfaction with the decision. Supporting evidence is required.

STEP 3: PREPARING YOUR APPEAL

To lodge an appeal, the applicant should prepare the following information:

- **Updated supporting evidence** relevant to the grounds for appeal (e.g., additional qualifications, omitted documents, clarifications).
- **Detailed statement** addressing the grounds for your appeal, with specific reference to the reasons stated in the rejection notice. explaining why the criteria for your appeal have been met, referencing the reasons from the initial decision.
- Your **personal details**, including full name, application reference, and listing any relevant correspondence previously exchanged with APS.

Ensure your appeal submission is as comprehensive as possible to avoid delays.

STEP 4: SUBMITTING AN APPEAL

Submit a completed appeal within **28 calendar days** of receiving the application outcome. Appeals should be sent to APS via email or by post at the following contact details:

Via Email: appeals@aps.org.uk

By Post: Membership Appeals Panel
Association for Project Safety
5 New Mart Pl, Edinburgh EH14 1RW.

Once submitted, the appellant will receive an acknowledgment within **5 working days**, confirming that the appeal has been received.

STEP 5: APPEAL REVIEW PROCESS

After submission, the appeal will follow these steps:

1. Initial Review

APS will conduct an initial review of the appeal to ensure all required documentation has been provided and the appeal meets the criteria. The appellant will be notified of any shortfall in information within **10 working days**.

2. Detailed Review

If the appeal passes the initial review, it will be forwarded to a second assessor who was not involved in the initial application decision and that assessor will undertake a review.

This may involve.

- **Presentation of Evidence:** The appellant and the original decision-maker will have the opportunity to present their evidence and arguments.
- **Examination of Witnesses:** Witnesses may be called to provide testimony and may be cross-examined by both parties.
- **Deliberation:** The second assessor will deliberate on the evidence and arguments presented before making a decision.

3. Decision

The second assessor will make a decision on the appeal.

This decision may:

- **Uphold the Original Decision:** Confirm the initial decision if it is found to be correct and fair.
- **Modify the Decision:** Change certain aspects of the original decision.
- **Reverse the Decision:** Overturn the original decision if it is found to be incorrect or unjust.
- **Remand the Case:** Send the case back to the original decision-maker for further consideration, possibly with specific instructions or guidelines.

The second assessor will carefully review the application, all supporting evidence, and appeal statement.

The outcome of the second assessment will be passed to the APS CEO or their nominated representative for ratification of the decision.

This process can take up to **20 working days**.

4. Final Decision

The APS CEO or their nominated representative will decide whether the initial application decision is upheld or overturned. The appellant will receive written confirmation of the decision, complete with a summary of the findings and the reasons behind the outcome.

Step 6: Outcome of Appeal

If successful: The appellant will be added to the PDBR Register.

The decision of the Appeals Panel will be final.

SUMMARY

Timeline for Appeals

- **Acknowledgment of appeal** – within **5 working days**.
- **Initial review** – **10 working days** for compliance of procedure.
- **Detailed panel review** – up to **20 working days**.
- **Final response issued** – within **35 days of submission**.

CONSIDERATIONS

- **Impartiality**
Appeals will be reviewed by individuals with no prior involvement in the original application decision to ensure a fair and unbiased process.
- **Confidentiality**
All appeal details will remain confidential. APS is dedicated to protecting the privacy of applicants and ensuring that no information is disclosed beyond those directly involved in the appeal.

- **Adherence to Timelines**

APS strives to manage all appeals promptly within the stated timelines. Any exceptions requiring a time extension will be communicated to you in writing, along with the reasons for the delay.

- **Comprehensive Submission**

To avoid unnecessary delays, ensure your appeal includes all the required documents and reflects your case clearly and thoroughly.

SUPPORT AND CONTACT INFORMATION

For questions regarding the appeal process, contact the APS Membership Support Team at membership@aps.org.uk or call 0131 442 6600.

APS is committed to maintaining a transparent and impartial membership and register process, ensuring all applicants have a fair opportunity to prove their competence for this important industry register.

NOTE TO APPLICANTS

Joining the APS PDBR Register is an important step in showcasing your competence for the principal designer duty holder role under amended building regulations. If your application is denied, the appeal process is your opportunity to address any oversights or issues. Ensure your submission is thorough and timely for the best chance of success.