



i-NAF PROCEDURE FOR APPEALS, COMPLAINTS AND DISPUTE



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COMPLAINTS AND DISPUTE**

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1 OBJECT AND FIELD OF APPLICATION

1.1 This document details the process adopted by i-NAF to ensure a timely, independent and effective resolution of appeals, complaints and dispute.

2 REFERENCES

- 2.1 i-NAF NPG 10 - Requirements for i-NAF Membership
- 2.2 i-NAF NPG 5 - Structure of i-NAF
- 2.3 i-NAF NPG 6 - i-NAF Procedure for Confidentiality
- 2.4 i-NAF-NMFR 14 Appeal Complaint Investigation Report Form
- 2.5 ISO/IEC 17011 - General requirements for accreditation bodies accrediting conformity assessment bodies.
- 2.6 IAF PR1 - Procedure for the Investigation and Resolution of Complaints
- 2.7 i-NAF NML 2 - i-NAF Policies and Procedures for a Multilateral Recognition Arrangement (MLA) among Accreditation Bodies.

3 DEFINITIONS

3.1 The following definitions apply:

3.1.1 **Appeal:** request by a member of i-NAF for reconsideration of a decision i-NAF has made relating to that member.

3.1.2 **Complaint:** expression of dissatisfaction, other than appeal, by any person or organization, with some matter related to the i-NAF Secretariat, committees, members, associate members, applicants and / or the MoU or MLA processes, where a response is expected.

3.1.3 **Dispute:** Expression of disagreement by any person or organization with some matter related to the i-NAF Secretariat or committees, members, associate members, applicants and / or the MoU or MLA processes, where assistance in resolution is sought.

3.1.4 **Secretariat:** Staff employed by i-NAF with delegated powers to administer the policies and procedures of i-NAF.

4 GENERAL

4.1 i-NAF will endeavour to take action on any appeals, complaints or disputes that are brought to its attention.

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5 APPEALS

5.1 An Appeals Panel shall be set up to decide on the appeal against any decision or measure taken by i-NAF, against which a i-NAF Member is entitled to appeal, under the i-NAF MLA “Policies and Procedures for a Multilateral Recognition Arrangement Among Accreditation Bodies” or any other i-NAF procedures document.

5.2 When an applicant to the i-NAF MoU does not agree with a decision made by the General Assembly the affected party may appeal in writing to the i-NAF Secretariat within one month of notification of the decision. When an applicant to the i-NAF MLA does not agree with a decision made by the MLA Committee, the affected party may also appeal in writing to the i-NAF Secretariat within one month of notification of the decision.

5.2.1 An appeal shall be lodged by sending a substantiated letter of appeal to the Secretariat of i-NAF.

5.2.2 Lodging the letter of appeal by e-mail is acceptable; however, it is the responsibility of the appellant to ensure that the letter of appeal has been successfully transmitted to the i-NAF Secretariat.

5.2.3 Upon receipt of the appeal, the i-NAF Secretariat shall acknowledge receipt.

5.3 The Appeals Panel

5.3.1 The Natural Accreditation (Executive) Committee (for decisions regarding MoU applicants) or the MLA Committee (for decisions regarding membership to the MLA) shall appoint an impartial ad-hoc group, known as the Appeals Panel, within one month of receipt of the appeal and inform the appellant of the composition of the Panel. The Natural Accreditation (Executive) Committee or the MLA Committee shall also identify the member who would act as the Head of the Appeals Panel and coordinate its functioning.

5.3.2 The Appeals Panel shall examine the new evidence included in the grounds for appeal within one month after receiving appellant’s acceptance with the composition of the Appeals Panel and report its decision to the appellant.

5.3.3 An Appeals Panel shall be established on each occasion that an appeal is lodged against a decision of the General Assembly or of the MLA Committee.

5.3.4 The Appeals Panel shall consist of at least three representatives who are not members of the Natural Accreditation (Executive) Committee and who have competence regarding the appeal subject.

5.3.5 No member of the Appeals Panel shall have been involved in the peer evaluation team that evaluated the appellant (an Natural Accreditation Body), or have a direct interest in the subject of the appeal, in any form in case of an appeal related to a peer evaluation. The Chair of i-NAF shall ensure that the composition of the Appeals Panel satisfies the requirement of impartiality and no conflict of interest.

5.3.6 The Secretariat of i-NAF, as a non-voting member, shall provide the Secretariat to the Appeals Panel, and shall remain strictly impartial in the collation and presentation of the facts of the case.

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5.3.7 The appellant has a right to object to the appointment of any member of the Appeals Panel, with valid reason(s). The Natural Accreditation (Executive) Committee shall make a final decision on any objection by the appellant.

5.4 Information

5.4.1 In case of an appeal related to a peer evaluation staff of the i-NAF Secretariat, peer evaluators as well as external experts, if any, involved in the particular peer evaluation of an applicant to join the MLA Committee, are obliged - without prejudice to their declaration of confidentiality towards all others – to provide the members of the Appeals Panel with the necessary information, if requested to do so.

5.5 Confidentiality

5.5.1 The members of the Appeals Panel are required to maintain confidentiality concerning anything that might come to their knowledge during the appeal and must sign a Declaration of Confidentiality (Annex to i-NAF NPG 6) before receiving any information regarding the appeal.

5.6 Procedure

5.6.1 Immediately after receipt of the letter of appeal, the Secretariat of i-NAF shall notify the Chair of i-NAF for action without delay.

5.6.2 The Appeals Panel has the right to hear witnesses, to consult experts and to take all measures and make all provisions deemed necessary for a sound decision. Upon appointment of the Appeals Panel, the Head of the Appeals Panel shall consult the other members of the Appeals Panel and fix the place, date and time of a hearing, and inform the i-NAF Secretariat without delay. The Appeals Panel may meet by teleconference or other means as appropriate. In general, investigation of appeals shall be by email correspondence and ballot or by other means other than a face-to-face meeting. For exceptional situations where a face-to-face meeting is necessary, the interested parties will aim to meet within the margins of the i-NAF General Assembly. Each party shall cover their own travel expenses.

5.6.3 The hearing shall be held within one month after receiving appellant's acceptance with the composition of the Appeals Panel. The appellant shall be given a minimum of fifteen (15) working days' notice of the date, time and details of the meeting of the Appeals Panel.

5.6.4 Both the appellant and the Appeals Panel have the right to avail themselves of assistance from witnesses, provided the names and addresses of the witnesses have been supplied in writing, to the Appeals Panel or to the appellant, whatever the case may be, not later than five (5) working days before the date of the session.

5.7 Decision of Appeals Panels

5.7.1 The members of the Appeals Panel shall judge in all fairness. The members are, however, bound by Confidentiality and the rules of this procedure.

5.7.2 The Appeals Panel shall decide on the appeal by a majority of votes and inform the parties concerned, in writing, of the decision, not later than fifteen (15) working days after date of decision. The decision of the Appeals Panel is binding.

5.7.3 The Appeals Panel is obliged to make a decision on the appeal within one month after receiving appellant's acceptance with the composition of the Appeals Panel. In exceptional circumstances, such as where no decision could be reached, the Appeals Panel may seek the approval of the Chair of i-NAF for an extension of time. The Chair of i-NAF may grant an

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extension of the time, subject to a full explanation of the reasons for the extension of time being supplied to the appellant and to the Natural Accreditation (Executive) Committee. The extension should be no more two months.

5.8 If the Chair of i-NAF grants an extension of time he or she may also refer the question to the Natural Accreditation (Executive) Committee for advice. Any advice or comments by the i-NAF Natural Accreditation (Executive) Committee shall be conveyed to the Appeals Panel by the Secretariat, after which the Appeals Panel shall be obliged to reach a decision in accordance with the above procedure.

5.9 The written decision of the Appeals Panel shall be signed by all members of the Appeals Panel, after which the i-NAF Secretariat shall notify the appellant, the members of the MLA Committee and the Natural Accreditation (Executive) Committee of the Appeals Panel's decision.

5.10 Records

5.10.1 A register of all appeals and decisions shall be maintained by the Secretariat, and include the following;

- Unique number for each appeal,
- Date when the appeal was received by i-NAF,
- Name and organisation of the individuals involved in the appeal,
- Summary of the appeal,
- Summary of the action(s) taken,
- Date when the appeal was resolved.

6 COMPLAINTS

6.1 A complaint shall be by written submission only, signed by the complainant and addressed to the i-NAF Chair, C/O The Secretariat, at the address listed on the i-NAF web-site. A complaint based on hearsay will not be considered. The written submission should be able to demonstrate that the person / organisation against which the complaint is made, has had ample opportunity to rectify the situation. A complaint shall contain the name and address of the complainant and the submission shall include sufficient objective evidence to substantiate the complaint and allow for the Action Officer to make a decision on the appropriate action to take.

6.2 Procedure for Dealing with Complaints

6.2.1 It will not always be obvious that a piece of incoming correspondence is a complaint. Before accepting incoming correspondence as a complaint, the Secretariat shall ensure that the complaint is substantiated, and be satisfied that all attempts have been made to resolve the issue at the lowest / appropriate level e.g., with reference to Clause 5.9 of ISO/IEC 17011. An item of incoming correspondence will only be classified as a complaint after review by the i-NAF Chair.

6.2.2 Where the Secretariat considers that the complaint has not been adequately addressed at the lowest / appropriate level and the Chair concurs, the correspondence shall be considered as a dispute and handled in line with Clause 7 of this document.

6.2.3 Once identified as a complaint by the Chair, the Secretariat shall,

- Despatch a letter of acknowledgment to the complainant,
- Enter the complaint in the Complaints Register and

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- Establish a new file, append the document to the file, and pass it on to the Action Officer.

6.3 Records

6.3.1 A Complaints Register of all complaints shall be maintained by the Secretariat, and include the following;

- Unique number for each complaint,
- Date when the complaint was received by i-NAF,
- Name and organisation of the individual making the complaint,
- Summary of the complaint,
- Summary of the action(s) taken,
- Date when the complaint was resolved.

6.4 Action Officers

6.4.1 For complaints about i-NAF, including the Secretariat or its committees, the Action Officer shall be the i-NAF Chair.

6.4.2 For complaints about the i-NAF Chair, the Action Officer shall be the i-NAF Vice Chair and the action shall be in accordance with this procedure.

6.4.3 For complaints about i-NAF members, associate members or applicants the Action Officer shall be the Natural Accreditation (Executive) Committee or MLA Committee Chair. The Natural Accreditation (Executive) Committee or MLA Committee Chair may delegate any part of the complaint resolution process at his / her discretion.

6.5 Complaints about i-NAF

6.5.1 The Action Officer shall investigate and make recommendations to the i-NAF Natural Accreditation (Executive) Committee. In resolving all the issues, the Action Officer shall consider both immediate and long term action required by all parties concerned.

6.5.2 Once a conclusion is reached, the Action Officer shall write to the parties concerned advising them of those parts of the outcome that affect them. Complaints about Members, Association, Associate Members or Applicants

6.5.3 The Action Officer shall, consistent with i-NAF NPG 6, formally bring the substance of the complaint and any relevant facts to the notice of the organisation involved, even where these have already been made known to them by the complainant. The Action Officer will formally request the organisation to respond to i-NAF, within fifteen (15) working days, giving comments on the complaint and detailing the actions the organisation proposes or has taken to investigate and resolve the matter. The Action Officer should ensure that the organisation considers the immediate and long term aspects.

6.5.4 If correspondence is not received from the organisation against which the complaint has been made within the specified period of time, a reminder will be despatched. Extended delays shall be brought to the attention of the i-NAF Chair.

6.5.5 There may be a need for several rounds of correspondence between the Action Officer and interested parties. When the Action Officer considers that on site follow-up action with a MLA signatory is required, the Action Officer shall pass the correspondence to the i-NAF Chair for consideration.

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6.5.6 Once the Action Officer is satisfied that the matter is resolved, the Action Officer shall ensure that the complainant is advised of the outcome, complete the file and forward the file to the Secretariat. The Secretariat shall update the complaints register.

6.5.7 Where the Action Officer can not resolve the issue the matter shall be referred to the i-NAF Chair. For Complaints against the i-NAF Chair, the matter shall be referred to the i-NAF Vice-Chair in accordance with clause 6.4.2.

6.5.8 If an on site follow-up is considered necessary, or the Action Officer cannot resolve the issue, the i-NAF Natural Accreditation (Executive) Committee shall have the issue reviewed by an ad hoc group comprising of at least three (3) members representing different stakeholders and take their views into consideration in disposing the complaint.

6.5.9 Any on site follow-up would be carried out along with a scheduled peer evaluation (if need be by suitably advancing the peer evaluation). Care shall be taken by the peer evaluation team to investigate the complaint based on specific issues raised in the complaint and correspondences generated by the Action Officer. The report of on site follow-up shall be reviewed by the i-NAF Natural Accreditation (Executive) Committee to decide on the disposal of the complaint.

7 DISPUTES

7.1 i-NAF's involvement in disputes is limited to the provision of advice to promote direct dialogue between the interested parties, and the provision of information that the parties should consider before further pursuing the matter.

7.2 Disputes are generally referred to i-NAF by email, letter, phone or fax. When written notice of a dispute is received, the i-NAF Chair shall identify an Action Officer (generally the Secretariat or a member of the Natural Accreditation (Executive) Committee) to assist in resolution of the dispute. If the dispute involves the i-NAF Secretariat, the related information will be passed to the i-NAF Chair, who, in conjunction with the i-NAF Vice-Chair, will identify an individual to handle the dispute.

7.3 Procedure

7.3.1 The Action Officer shall acknowledge receipt of the assignment and investigate the issue, as deemed appropriate.

7.3.2 When attempting to resolve a dispute, the individual registering the dispute should be made aware that if he/she is not happy with the answer / advice received he/she may ask for the dispute to be referred to the i-NAF Chair. If the individual registering the dispute is unhappy with the i-NAF Chair's decision, the individual is to be advised of the complaints and appeals process.

7.4 Records

7.4.1 All records of disputes shall be forwarded to the Secretariat for filing.

7.4.2 A register of all disputes and decisions shall be maintained by the Secretariat, and include the following;

- Unique number for each dispute,
- Date when the dispute was received by i-NAF,

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- Name and organisation of the individuals involved in the dispute,
- Summary of the dispute,
- Summary of the action(s) taken,
- Date when the dispute was resolved.

8 REVIEW

8.1 Information on appeals, complaints, and disputes shall be included as an agenda item for all Natural Accreditation (Executive) Committee and MLA Committee meetings. Decisions and improvement actions proposed of the Natural Accreditation (Executive) Committee or MLA Committee shall be recorded for follow-up. The Secretariat shall act as liaison and information officer between the two committees where applicable.