

Complaints and Appeals Process

**Issue No. 1**

**Issue Date 1 January 2019**

**Application Date 1 January 2019**

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1. SCOPE

This document details the process to be adopted by APAC to ensure a timely, independent and effective resolution of appeals, complaints and disputes.

1. DEFINITIONS

The following definitions apply:

* **Appeal**: request by a member of APAC for reconsideration of a decision APAC has made relating to that member.
* **Complaint:** expression of dissatisfaction, other than appeal, by any person or organization, with some matter related to the activities of APAC, committees, members, affiliates, applicants, Secretariat, and/or the MRA processes, where aresponse is expected.
* **Dispute:** Expression of disagreement by any person or organization with some matter related to the APAC Secretariat or committees, members, associate members, applicants and/or the MRA processes, where assistance in resolution is sought.
* **Secretariat:** Staff employed by APAC with delegated powers to administer the policies and procedures of APAC.

1. COMPLAINTS
   1. Introduction

This procedure covers the handling of all types of complaints against APAC or against APAC members and MRA signatories, including in relation to breaches of the APAC Codes, and against APAC procedures and practices.

Sources of complaints may be directly from a complainant or be referred to APAC by either IAF or ILAC.

A direct complaint shall be submitted to the APAC Secretariat in writing in English and preferably signed by the complainant. The complainant must be identifiable. Complaints that are anonymous or based on hearsay will normally not be considered.

The written submission shall be able to demonstrate that the person/organisation against which the complaint is made has had sufficient 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 procedure to be implemented.

Disputes that cannot be resolved by other means (see below) may also be addressed by this procedure.

* 1. Responsibilities

The APAC Secretariat is responsible for recording the complaint in the Complaints Register (APAC FMS-006), for acknowledging receipt of the complaint, and for referring it to the APAC Quality Manager.

The APAC Secretariat is also responsible for advising the organisation that is the subject of the complaint that a complaint has been received and of the nature of the complaint, as well as seeking any information from it in relation to the complaint once the complainant has given approval.

The APAC Quality Manager acting on behalf of the Executive Committee is responsible for the investigation and resolution of complaints. The Quality Manager shall determine the appropriate mechanism for the investigation based on the nature of the complaint, e.g. APAC process, member, technical issue, etc. Depending upon the nature of the complaint, an ad-hoc group may be appointed by the Executive Committee to investigate the complaint with support from the APAC Secretariat. The members of the ad hoc group will normally include the APAC Quality Manager and other members drawn from the Executive Committee or an APAC Committee. If deemed appropriate, experts external to APAC may be included in the group to assist with the investigation.

Where the Quality Manager cannot participate in the investigation, for example, due to a conflict of interest, the APAC Chair will appoint a member of the Executive Committee to conduct the investigation.

* 1. Complaint Processing

The APAC Secretariat shall ensure before accepting incoming correspondence as a complaint that the validity of the complaint is substantiated and that all attempts have been made to resolve the issue at the appropriate level. For example, complaints against accreditation bodies will not be considered unless the complainant has attempted to resolve the issues with the accreditation body.

Receipt of incoming correspondence will be acknowledged by the APAC Secretariat as soon as possible, but generally within 3 working days.

The APAC Secretariat shall then send the complaint to the APAC Quality Manager who shall decide if the complaint covers a matter that is within APAC’s area of responsibility, and if so, the appropriate mechanism for undertaking the investigation.

The APAC Secretariat shall advise the complainant accordingly and shall seek confirmation that the complainant accepts that its identity will be revealed to the subject of the complaint as part of the investigation. If the complainant declines to have its identity revealed, the APAC Quality Manager will determine whether it is feasible to continue with the investigation.

The APAC Secretariat shall enter details of the complaint into the Complaints Register.

If the APAC Quality Manager decides that all or part of the complaint is outside of APAC’s area of responsibility, the complainant shall be advised of this, with reasons for the decision. The APAC Secretariat shall also advise the subject of the complaint of receipt of the complaint and the nature of the complaint.

Receipt of a complaint referred to APAC by IAF, ILAC or another regional accreditation cooperation is also acknowledged to the relevant body’s Secretariat.

If it is expected it will take some time to resolve the complaint, the complainant shall be advised and shall be given status update reports throughout the process, as appropriate.

The APAC Quality Manager shall formally bring to the notice of the organisation involved the substance of the complaint and any relevant facts, even where these have already been made known to them by the complainant.

The parties to the complaint shall be given the opportunity to participate in the investigation of the complaint to clarify issues and to establish the relevant facts. In general, investigation of the complaint shall be by email, however it may be decided to finalise the investigation by a face-to-face meeting with the interested parties at the time of an APAC meeting.

Normally an organisation shall be required to respond within 15 working days giving comments on the complaint and detailing the actions the organisation proposes or has taken to investigate and resolve the matter, both in the immediate and long term. There may be a need for several rounds of correspondence between the ad hoc group and interested parties. If correspondence is not received from the organisation against which the complaint has been made within the specified timeframe, a reminder will be despatched. Extended delays shall be brought to the attention of the APAC Chair.

Upon completion of the investigation of the complaint, the APAC Executive Committee shall be advised in writing of the outcome, including any recommendations and corrective actions. The APAC Executive Committee shall consider the advice and take the necessary action to resolve the complaint. The APAC Secretariat shall promptly advise the parties to the complaint in writing of the outcome of the APAC Executive Committee’s deliberations, and update the Complaint Register accordingly.

If resolution of the complaint leads to a change in an APAC policy or procedure or to a clarification of a policy or procedure, the final decision on the new or revised policy or procedure shall be concluded in accordance with the APAC’s normal policy and document approval procedures.

Any on-site follow-up would be carried out concurrently 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 APAC Quality Manager. The report of on-site follow-up shall be reviewed by the APAC Executive Committee to decide on the disposal of the complaint.

* 1. Complaint Against an APAC MRA Signatory

A complaint concerning the activities of an APAC MRA signatory that impinges on its signatory status shall be referred to the Chair of the APAC MRA Council, who is a member of the Executive Committee. The APAC MRA Council Chair shall convene the ad hoc group, in consultation with the other Executive Committee members. When the complaint involves the body represented by the APAC MRA Council Chair, the complaint shall be referred to the APAC MRA Council Vice Chair.

When relevant, the team leader for the next evaluation of the APAC MRA signatory shall be briefed about the complaint and the outcome, and may be asked to follow-up on the satisfactory resolution of the issue as part of the evaluation.

* 1. Complaint against an APAC Member or APAC Committee

The APAC Executive Committee shall discuss the complaint and decide how to proceed with a complaint against an APAC member or APAC committee that may include a claim of breach of the APAC Constitution or APAC Code of Ethics. It may also be against the activities or decisions of the APAC General Assembly or of an APAC committee.

* 1. Disputes between APAC Members

In dealing with a conflict between APAC members, the APAC Quality Manager shall ask the parties involved to settle the conflict between themselves.

If the parties fail to come to an agreement or if confirmation is needed as to whether the agreement is in line with APAC policies and procedures, the issue shall be referred to the APAC Secretariat for further processing by the Executive Committee.

* 1. Complaint against Delegate/Participant in an APAC Activity

It is difficult to have a prescriptive process for handling this type of complaint which could be, for example, a complaint against a delegate/observer at an APAC meeting or an evaluator/observer at an APAC evaluation. This complaint could be received by anyone within the APAC community but ideally should be reported in writing (preferably) as quickly as practicable to the APAC Quality Manager or APAC Executive Committee to facilitate a thorough and fair investigation. Generally, the APAC Quality Manager will establish an ad hoc group to investigate and details will be clarified with all parties to the complaint.

* 1. Complaints Register

A Complaints Register (APAC FMS-006) 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 APAC;
* Name and organisation of the individual making the complaint;
* Summary of the complaint;
* Date acknowledged;
* Summary of the action(s) taken;
* Date when the complaint was resolved
  1. Records

As a minimum, the following records shall be kept by the APAC Secretariat:

* Copy of complaint and supporting documents, as well as any additional information provided by any party during the investigation;
* Names of the members of the ad hoc group;
* Copy of the report on the investigation;
* Copy of the Executive Committee’s decision;
* Copy of final response to complainant;
* Any other relevant correspondence or documents.

1. APPEALS
   1. Introduction

This procedure covers the handling of appeals against decisions made by APAC. Such decisions will generally have been made by the APAC General Assembly or APAC Executive Committee and might include but not be limited to refusal of membership to an applicant organisation, suspension or withdrawal of membership, imposition of a sanction for a breach of the Code of Ethics etc.

The procedure does not include decisions made by the APAC MRA Council relating to APAC MRA signatory status. The procedure for appeals against decisions of the APAC MRA Council is set out in APAC MRA-003 *APAC MRA Council – Rules for its Operation*.

The purpose of the procedure is to determine that the APAC decision was carried out in an appropriate and competent manner, in accordance with APAC policies and procedures, considering the circumstances of each case.

All decisions are normally maintained until the results of the appeals investigation are accepted; variations to this may be considered on a case-by-case basis by the Executive Committee.

* 1. Responsibilities

The APAC Secretariat is responsible for recording the appeal in the Appeals Register (APAC FMS-009), for acknowledging receipt of the appeal, and for referring it to the APAC Quality Manager.

The APAC Quality Manager acting on behalf of the APAC Executive Committee is responsible for the management of the appeals process.

The Chair of APAC shall ensure that the composition of any Appeals Panel satisfies the requirement of impartiality and of no conflict of interest.

* 1. Submission of an Appeal

Appeals shall be submitted in writing to the APAC Secretary, with the relevant supporting documentation, within 30 days of the notification of the decision against which the appeal is being lodged.

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 received by the APAC Secretariat.

The appeal shall include:

* The decision by APAC being appealed;
* Details of the basis of the appellant’s appeal;
* The remedy sought and requested time frames in which actions should be done;
* The name and title of the executive or official who will represent the organisation and any other person(s) who will accompany the executive or official at the appeals process.
  1. Processing an Appeal

The Secretariat shall send the appeal to the APAC Quality Manager who shall review the information to establish its validity in accordance with the above, and whether the requested actions and timeframes are practical and achievable. The APAC Secretary may, on behalf of and under the direction of the APAC Quality Manager, negotiate with the appellant to define a mutually satisfactory process to consider the remedy sought.

The APAC Quality Manager shall propose the appropriate mechanism for considering the appeal and seek the endorsement of the APAC Executive Committee.

Where the APAC Quality Manager cannot participate in the consideration of an appeal, for example, due to a conflict of interest, the APAC Chair will appoint a member of the APAC Executive Committee instead.

Normally, the APAC Executive Committee will establish an Appeals Panel comprising the APAC Quality Manager and up to three representatives from APAC Full Members, who are not members of the APAC Executive Committee and who have competence regarding the appeal subject, with support from the APAC Secretariat.

No member of an Appeals Panel can have a conflict of interest in relation to the subject of the appeal or the appellant.

If considered appropriate, experts external to the Appeal Panel may be consulted to assist with the resolution of the appeal.

The APAC Secretary, 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.

The APAC Secretariat shall acknowledge receipt of the appeal within 30 days and advise the appellant how the appeal will be considered.

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

* 1. Information

In the case of an appeal related to a peer evaluation, staff of the APAC Secretariat, peer evaluators as well as external experts, if any, involved in the peer evaluation 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.

* 1. Confidentiality

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 (APAC FGOV-007)) before receiving any information regarding the appeal.

* 1. Consideration of the Appeal

The Appeals Panel shall examine the evidence included in the grounds for appeal within 30 days of receiving the appellant’s acceptance with the composition of the Appeals Panel.

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 APAC Quality Manager shall consult the other members of the Appeals Panel and fix the place, date and time of a hearing, and inform the APAC 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 an existing APAC meeting at which the members would normally attend. Each party shall cover their own travel expenses.

The appellant shall be given a minimum of fifteen working days’ notice of the date, time and details of any physical meeting of the Appeals Panel.

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 working days before the date of any physical meeting.

* 1. Decision of Appeals Panels

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

The Appeals Panel shall decide on the appeal by a majority of votes.

In exceptional circumstances, such as where no decision could be reached, the Appeals Panel may seek the approval of the Chair of APAC for an extension of time. The Chair of APAC may grant an 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 APAC Executive Committee. The extension should be no more than two months.

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

Once consideration of the appeal has been completed, the outcome shall be reported to the APAC Executive Committee. This shall include a statement as to whether the appeal has been upheld or dismissed. If the appeal is upheld, the report shall also include any action(s) necessary to implement the outcome of the appeal.

The APAC Secretariat shall then promptly advise the appellant in writing of the outcome of the appeal. This decision shall be accepted as binding.

* 1. Appeals Register

A register of all appeals and decisions shall be maintained by the APAC Secretariat (APAC FMS-009), and include the following:

* Unique number for each appeal,
* Date when the appeal was received by APAC,
* Name and organisation of the individuals involved in the appeal,
* Summary of the appeal,
* Date of acknowledgement of appeal,
* Summary of the action(s) taken, and
* Date when the appeal was resolved
  1. Records

As a minimum, the following records shall be kept by the APAC Secretariat:

* Copy of the appeal and any supporting documents
* Names of the members of the Appeals Panel and any experts and/or witnesses
* Copy of the report on the consideration of the appeal and the recommendation(s)
* Copy of any resulting General Assembly resolution and of the ballot papers
* Copy of the final response to the appellant
* Any other relevant correspondence or documents.

1. DISPUTES

APAC'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.

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

* 1. Procedure

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

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 APAC Chair. If the individual registering the dispute is unhappy with the APAC Chair’s decision, the individual is to be advised of the complaints and appeals process.

* 1. Records

All records of disputes shall be forwarded to the APAC Secretariat for filing. The Complaints Register (APAC FMS-006) shall be used by the APAC Secretariat to record details of all disputes and subsequent outcomes.

1. REVIEW

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

1. AMENDMENT TABLE

This table provides a summary of the changes to the document with this issue.

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| --- | --- |
| **Section(s)** | **Amendment(s)** |
| All | New issue on establishment of APAC. Document based on APLAC MS-000 Management System Manual and PAC-EXEC-007 PAC Procedure for Complaints and Appeals Process (Issue 4.0) |
| End |  |