

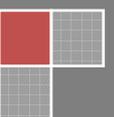
2017

# AFRAC APPEALS AND COMPLAINTS PROCEDURE

**AFRICAN ACCREDITATION COOPERATION**

*The purpose of this document is to define how Complaints and Appeals are managed by AFRAC.*

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This document has been prepared by the AFRAC Secretariat.

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## 1. PURPOSE

- 1.1 The purpose of this Procedure is to describe the responsibilities and actions of the AFRAC Chair, Secretariat, Executive Committee (EXCO), Mutual Recognition Arrangement (MRA) Council and AFRAC Members with regard to the handling and resolution of complaints and appeals, to ensure that matters related to the Arrangement are settled objectively and impartially.
- 1.2 AFRAC considers all complaints and appeals as opportunities to improve its services and to implement preventive and corrective actions.
- 1.3 AFRAC is committed to monitor and ensure continuous improvement on all areas of its activities.

## 2. DEFINITIONS

The terms and definitions used in the Procedure are based on ISO/IEC 17011 and ISO/IEC 17000.

### 2.1 *Complaint*

An expression of dissatisfaction, other than an appeal, submitted in writing by any AFRAC Member which is related to AFRAC's activities or the activities of AFRAC Members, where a response is expected.

### 2.2 *Appeal*

A request by an Accreditation Body (AB) for reconsideration of any decision made by AFRAC related to:

- 2.2.1 Its Membership;
- 2.2.2 The decisions made by the AFRAC General Assembly (GA) or the EXCO, where the appellant considers such decisions were made in breach of AFRAC's Procedures; and
- 2.2.3 Any decision made by the AFRAC MRA Council related to any current or future Signatory status of the MRA.

### 2.3 *Complainant*

Any person or organisation that submits a complaint.

### 2.4 *Appellant*

Any person or organisation that submits an appeal.

### 2.5 *Complaints Working Group (CWG)*

A group made up of a Convener and one or more people that are designated by the AFRAC Chair and are AFRAC Members.

### 2.6 *Appeals Panel*

A group comprising two impartial representatives of AFRAC Arrangement members and one AFRAC evaluator, appointed by the AFRAC Chair in conjunction with the EXCO, to investigate the appeal.

### 3. COMPLAINTS AND APPEALS

- 3.1 All complaints and appeals must be submitted in writing (facsimile, mail or electronic) in English and addressed to the AFRAC Chair, with a copy to the AFRAC Secretariat on the **AFRAC F020 Record of an Appeal and/or Complaint Form**, within 30 days after the decision was taken, or the issue that lead to the complaint.
- 3.2 The AFRAC Chair is responsible for following up on all complaints and appeals in consultation with the EXCO. The Chair may delegate his/her responsibility at any time to the Vice-Chair or any another member of the EXCO.
- 3.3 The Secretariat shall within five (5) working days acknowledge receipt of the complaint or appeal in writing, and where applicable, advise the complainant or appellant if the complaint or appeal does not comply with what is established in this Procedure.
- 3.4 If any AFRAC Member receives in writing a complaint against AFRAC or an appeal against an AFRAC decision, they shall immediately submit it to the AFRAC Secretariat.
- 3.5 The complainant or appellant and AFRAC are responsible for their own costs arising from the investigation of a complaint or resolution of an appeal, regardless of the outcome of the investigation.
- 3.6 The AFRAC Secretariat shall notify the complainant or appellant regarding the final result of the investigation within five (5) working days from receiving the final results, and maintain confidentiality at all times.
- 3.7 The AFRAC Secretariat shall keep detailed and complete records of the receipt, handling and results of all complaints and appeals.
- 3.8 The AFRAC Secretariat shall submit a summary of all the complaints and appeals addressed at each meeting of the EXCO, and the AFRAC Chair or his/her delegate shall provide a report of all the complaints and appeals at each meeting of the GA.
- 3.9 A period of six (6) months is desirable for the resolution of complaints and appeals, however, this period may be extended at the discretion of the Complaints Working Group (CWG) or Appeals Panel, and reasons for the extension are to be provided to the EXCO.
- 3.10 The AFRAC Secretariat shall keep the complainant or appellant informed throughout the complaints or appeals resolution process.

### 4. COMPLAINTS AGAINST AFRAC ACTIVITIES

- 4.1 The Chair in consultation with the EXCO shall designate a CWG to investigate the complaint and shall also designate a Convener for all complaints directly related to AFRAC activities.
- 4.2 The complainant may object to the composition of the CWG in writing, should there be a perceived or actual conflict of interest, in which case the Chair shall designate a replacement.
- 4.3 The CWG shall carry out an investigation of the complaint and seek a solution to the issues presented. The CWG is responsible to ensure that the investigation is carried out in a timely manner. Where necessary, the CWG and the complainant shall communicate directly.

- 4.4 The CWG Convener shall keep the AFRAC Chair and Secretariat informed on the progress regarding the handling of the complaint, except in cases where the complaint involves the Chair and Secretariat.
- 4.5 Once the issue has been investigated, the CWG Convener shall submit a written report regarding the complaint to the AFRAC Chair with a copy to the Secretariat, indicating if there was a basis for the complaint or not, the investigation that was undertaken, as well as the recommendations of the CWG on how to resolve the complaint.
- 4.6 The AFRAC Chair in consultation with the EXCO shall decide if the recommendations of the CWG for the resolution of the complaint are adequate. Where the recommendations are not adequate, the EXCO may:
  - 4.6.1 Decide on how to resolve the complaint; or
  - 4.6.2 Request the CWG to review its initial recommendations and consider any comments provided by the EXCO.
- 4.7 The process detailed in Clause 4.5 and 4.6 of this Procedure will be followed until the CWG makes a final recommendation for the approval of the EXCO.
- 4.8 The final results of the complaint shall be communicated to the complainant by the AFRAC Secretariat, who shall maintain and safeguard all the records of that complaint.

## **5. COMPLAINTS AGAINST AN AFRAC MEMBER ACCREDITATION BODY**

- 5.1 Where a complaint is submitted to the AFRAC Secretariat by a third party regarding the activities of an AFRAC AB Member, AFRAC shall ensure that the complaint has been handled by the AFRAC AB Member against whom the complaint is lodged. This is to ensure that the AB has the first opportunity to investigate issues against them, and in accordance with the AB's complaints own procedure.
- 5.2 When a complaint is received, the AFRAC Secretariat shall ask the complainant to provide evidence that the complaint was handled and resolved by the AB.
- 5.3 Where the complaint has been handled by the AB, the process to ensue thereafter will be as documented in Clause 4 of this Procedure.
- 5.4 Where no information is received regarding how the complaint was addressed by the AB, the complaint shall not be considered valid, and the complainant shall be advised to address the complaint directly with the AB.
- 5.5 Before a peer evaluation, the AFRAC Chair and MRA Council Chair may request the AFRAC MRA Secretary to provide the Lead Evaluator/Team Leader details about a complaint received against the AB to be evaluated where necessary.

## **6. HANDLING OF APPEALS**

- 6.1 When an applicant or AFRAC member does not agree with a decision made by AFRAC, it may appeal in writing to the AFRAC Secretariat within 30 days from notification of the decision.
- 6.2 After authentication of the appeal, the Secretariat shall inform the AFRAC Chair, who will, in conjunction with the EXCO, appoint an Appeals Panel comprising two impartial representatives of AFRAC Arrangement members and one AFRAC evaluator to investigate the appeal.

- 6.3 No member of the Appeals Panel shall have been involved in the evaluation team that evaluated the appellant nor have been involved as part of the TFG or decision making process, or have a direct interest in the subject of the appeal, in any form. The AFRAC chair shall ensure that the composition of the Appeals Panel satisfies the requirements of objectivity and impartiality and no conflict of interests exists. The Appeals Panel should be normally set up within 30 days after its authentication and the names of the Appeals Panel communicated to the appellant.
- 6.4 The appellant has the right to object to the appointment of any member of the Appeals Panel for valid reason(s). The AFRAC Chair, in conjunction with the EXCO, shall make a decision on any objection by the appellant to an appointment. That decision shall be final.
- 6.5 The appeal shall be considered in order to determine if the AFRAC decision was carried out in an appropriate and competent manner, in accordance with the relevant AFRAC policies and procedures on a case by case basis.
- 6.6 The information regarding the actions, responses and behaviour of the appellant and AFRAC shall be taken into consideration during the investigation.
- 6.7 During the course of the accreditation body's appeal against suspension or withdrawal of its signatory status, the signatory status shall remain in effect. All other decisions are however maintained until the results of the appeals investigation are accepted.
- 6.8 The appellant may withdraw the appeal at any point during the process, however in such cases, a future appeal by the same appellant for the same reasons will not be considered.
- 6.9 The Appeals Panel shall collectively have the appropriate competence to carry out the investigation of the appeal.
- 6.10 The Appeals Panel may carry out an investigation as he/she deems appropriate, and is responsible to obtain additional information that requires further investigation.
- 6.11 The appellant may have an opportunity to present its case with supporting documentary evidence, and these supporting documents shall be submitted 10 working days before the mutually agreed meeting/review date.
- 6.12 The Appeals Panel may call on witnesses or experts to provide advice during the investigation of the appeal.

## **7. RECOMMENDATION AND DECISION**

- 7.1 After considering all evidence, the Appeals Panel shall decide its recommendation on the appeal within 6 months after setting up the Panel and inform the AFRAC Chair, with a copy to the AFRAC Secretariat, in writing with supporting reasons, of the recommendation not later than five (5) business days after the date of decision.
- 7.2 The AFRAC Chair shall forward the recommendation to the EXCO for a decision, or where the decision is regarding a signatory status, to the MRA Council for a decision.
- 7.3 That decision shall be final and communicated to the appellant.

## 8. CONFIDENTIALITY AND CONFLICT OF INTEREST

- 8.1 Any individuals nominated as Members or Conveners of the CWG or Appeals Panel, or who are involved in the complaints and appeal process, shall declare any real or perceived conflicts of interest or confidentiality issues with the matters presented, and shall excuse themselves from any discussions or receipt of information regarding the complaint or appeal in question.
- 8.2 All Members of the CWG and Appeals Panel shall sign the **AFRAC F006 Declaration of Confidentiality and Impartiality** before commencing with any investigations.
- 8.3 All individuals involved in the complaints or appeals process shall take necessary measures to preserve the confidentiality of information obtained during the investigation.
- 8.4 A complainant may request to remain anonymous to other parties involved in the investigation, and appropriate steps shall be taken to preserve this confidentiality.

## ANNEX 1: AMENDMENT RECORD

Section	Change
Page 2	AFRAC Secretariat contacts changed
2	Year of ISO/IEC 17011 deleted
3	“mail or electronic” replaced “mail and electronic”
3.1	Added “within one month after the adverse decision was taken or the issue that lead to the complaint.
4.2	Deleted “composition of the CWG must be accepted by the” Added “of the CWG in writing” Added “or actual”
5.1	“AB was the first opportunity to investigate issue against them, and in accordance with” replaced “complaint has gone through” Added “own”
5.4	Added “, and the complaint shall be advised to address the complaint direct with the AB”
5.5	“MRA Council Chair” replaced “EXCO”
6	Point 6.1 deleted “The appeal shall be submitted in writing (facsimile, mail and electronic) in English and addressed to the AFRAC Chair, with a copy to the AFRAC Secretariat on the AFRAC F020 Record of an Appeal and/or Complaint Form, up to one month after the adverse decision was taken.”
6.8	“any” replaced “some” Added “in writing, should there be a perceived or actual conflict of interest”
6.10	Changed “AWG convener” to “AWG”
6.18	“appellant” replaced “complainant”
7.1	Added “or conveners” “shall declare any” replaced “who have a” Added “and” Deleted “AWG Members shall have no commercial or other interest in the appeal bring considered.”
7.2	“AWG” replaced “CWG” Added “before commencing with any investigations.”
7.4	Deleted “or appellant”
	Appeals section aligned to IAF/ILAC A2