

Industry Compliance and Certification Authority of South Africa

Appeals and Complaints Procedure



1. Purpose and Scope

The purpose of this document is to describe the process and procedure to follow when:

- An appeal is requested by a client of ICCASA for further consideration(s) or change in decision(s) of certification on any issue concerning the client's certification.
- A complaint is received involving an expression of dissatisfaction, other than appeal, by any person or organisation to ICCASA for corrective action relating to certification activities. A complaint is defined as a written complaint received against either ICCASA Certification, ICCASA staff member, ICCASA Auditor, ICCASA subcontractor or an ICCASA certified organization, where a response is expected.

The scope of this procedure shall cover the appeals and complaints process in providing a resolution on the outcome of the appeal or a complaint.

2. Procedure Overview

2.1. Appeals

- a) ICCASA shall follow its documented process to receive, evaluate and make decisions on actions to be taken in response to an appeal against the results of the certification decision. This procedure aims to ensure that all appeals are dealt with in a constructive, impartial and timely manner.
- b) A description of the appeals-handling process is available on the ICCASA website for public view and access.
- c) ICCASA shall acknowledge receipt of the appeal and shall provide the appellant with progress and the outcome and shall give formal notice to the appellant of the end of the appeals-handling process.
- d) ICCASA is responsible for all decisions at all levels of the appeals-handling process and ensures that the decision-making personnel engaged in the appeals handling process are not the same as those who were involved in the decision being appealed.
- e) Appeals shall be handled by the Certification Manager.
- f) ICCASA will ensure that required submission, investigation and decision on appeals does not result in any discriminatory actions against the appellant. ICCASA will ensure that, if applicable, appropriate corrective actions are taken and shall further address these corrective actions as part of ICCASA's preventative actions to avoid similar occurrences, where applicable.
- g) The ICCASA Appeals and Complaint, procedure is available to ICCASA management system certificate holders, applicants, and third-party individuals or organizations who perceive a stake in the affairs of ICCASA and who have reason to question either the actions of ICCASA itself or the actions of an ICCASA certificate holder in regards to conformance with certification scheme requirements it must adhere to.

- h) The procedure is applicable to any formal decision rendered under ICCASA certification activities (e.g. an award or denial of certification, withdrawal or suspension of certification) where such actions are believed to conflict with the terms and/or conditions of certification, verification or validation.
- i) ICCASA is responsible for all decisions at all levels of the appeals-handling process and ensures that the persons engaged in the appeals-handling process are not the same as those who carried out the audits and made the certification decisions.
- j) Submission, investigation and decision on appeals will not result in any discriminatory actions against the appellant.
- k) The Certification Manager will investigate all appeals and give the appellant feedback regarding the planned action to address the appeal, and written notification of the action's completion. Records of all details related to appeals will be retained. If the appeal cannot be resolved to the satisfaction of the appellant and the Certification Manager, it shall be escalated further.
- l) Where the appellant disagrees with the appeal decision, he or she must explain the reasons for this to ICCASA as soon as possible. In most circumstances this will be immediately after receiving the appeal outcome decision and no later than 30 working days after receiving the decision.

2.2. Complaints

- a) ICCASA has a documented process for complaints in order to receive, validate, investigate and make decisions on actions in response to a complaint. This procedure includes ICCASA's actions in regard to complaints received from ICCASA certified companies, prospective clients and other interested parties about the ICCASA certification process and decisions.
- b) This procedure aims to ensure that all complaints are dealt with in a constructive, impartial and timely manner. The procedure ensures that all parties are treated fairly and equitably. The complaints-handling process is subject to ensuring confidentiality, in relation to the complainant and to the subject of the complaint.
- c) A description of the complaints-handling process is available on the ICCASA website for public view and access. Complaints shall be handled by Certification Manager.
- d) Upon receipt of a complaint, ICCASA shall confirm whether the complaint relates to certification and, if so, shall respond accordingly. ICCASA shall acknowledge receipt of the complaint and shall provide the complainant with progress and the outcome.
- e) Upon receipt of a complaint, ICCASA shall be responsible to verify all necessary information to validate the complaint.
- f) If the complaint relates to a client which is certified by ICCASA then examination of the complaint shall consider the effectiveness of the certified management system.
- g) Any valid complaints about a certified ICCASA client shall also be referred by ICCASA to the client in question at an appropriate time.

- h) If the complainant is not satisfied with a complaint review decision, there is a provision for him or her to file an appeal.
- i) ICCASA will ensure that, if applicable, appropriate corrective actions are taken and will further address these corrective actions as part of ICCASA's preventative actions to avoid similar occurrences, where applicable.
- j) The Certification Manager will investigate all complaints and give the complainant feedback regarding the planned action to address the complaint, and written notification of the action's completion.
- k) A formal notice shall be given of the end of the complaints handling process to the complainant. The decision to be communicated to the complainant shall be made by or reviewed and approved by personnel not previously involved in the subject of the complaint.
- l) Once the complaint handling process has been completed a formal notice to be given to the complainant at the earliest opportunity.
- m) ICCASA will determine with the complainant what the extent of the complaint is and its resolution will be made public.
- n) Records of all details related to complaints shall be retained. If the complaint cannot be resolved to that satisfaction of the complainant, it shall be escalated to an appeal.
- o) Where the complainant disagrees with the decision given by the Certification Manager, he or she must explain the reasons for this to ICCASA as soon as possible. In most circumstances this will be immediately after receiving the outcome decision and no later than 30 working days after receiving the decision.

3. Formal Submission of an Appeal or a Complaint

In accordance with this procedure, the written appeal/complaint must be submitted on the Appeals (FRM03) or Complaints (FRM04) form via email:

- Identify and provide contact information for the complainant/appellant
- Clearly identify the aggrieved action or basis of the appeal (date, place, nature of action) and which parties or individuals are associated with the action
- Explain how the action is alleged to violate or be inconsistent with a requirement, being as specific as possible with respect to the applicable requirements
- In the case of complaints against the actions of an ICCASA certified client, the complainant must also describe efforts taken to resolve the matter directly with that party

Written complaints/appeals should be submitted to on email or alternatively posted via registered mail to: admin@iccasa.co.za

ICCASA (PTY) LTD
PO Box 38577, Pretoria, 0043, Gauteng

4. Responsibility

The Certification Manager is responsible for implementing and maintaining this procedure.

5. Approval, Appeals, Complaints, Impartiality (AACI) Board

The AACI Board is the committee, which is responsible for making the final decision regarding the final outcome of an appeal or complaint and to safeguard the impartiality, including provisions to assure the impartiality of the certification operations of ICCASA. The AACI Board members possess the related knowledge and skills with regard to the ICCASA certification process and criteria without any conflict of interest.

The AACI Board is composed of, at least two members comprising of the Certification Manager and the AACI Board Chairperson. The AACI Board may invite members with specialist knowledge and background to participate in the evaluation and assessment of the appeal or complaint, from time to time.

On request of the AACI Board, the Certification Manager shall provide to the AACI Board all the necessary information, evidence, including the reasons for all significant decisions and actions in respect of certification, to enable the AACI Board to make a fair and impartial decision.

6. Procedure

6.1. Receipt and Logging of Appeals and Complaints

6.1.1. All appeals and complaints to ICCASA shall be lodged in writing, by completing the Appeals (FRM03) or Complaints (FRM04) form. This completed form must be submitted via email to ICCASA, in which case the certification Manager shall log the appeal or complaint in the Incident form (FRM05a) as well as in the electronic appeals and complaints register (FRM06) and obtain a unique log number which serves as a reference and tracking number for the appeal or complaint received.

6.1.2. The appeals form (FRM03) and complaints form (FRM04) is a controlled document and is available from ICCASA upon request. The form must be completed and submitted to ICCASA by email. All details of the appeal or complaint should be completed in detail, including:

- Name and place of residence/business of any person(s) raising the appeal or complaint
- Subject matter of the appeal or complaint.
- Clear and concise description of the issues of fact surrounding the appeal or complaint
- For appeals – any mitigating circumstances in support of why the decision should be reconsidered.

- A form FRM05a will be used to log any appeal against a certification decision or complaint by a person/organisation or member of the public for consideration by ICCASA with regards to either ICCASA Certification, ICCASA staff member, ICCASA Auditor or an ICCASA certified organization, where a response is expected.
- ICCASA will acknowledge receipt of all appeals and complaints in writing to the individual/party lodging such an appeal/complaint.
- Upon receipt of an appeal/complaint lodged on the prescribed form and received by email with the attached information, the Certification Manager will evaluate the appeal/complaint and conduct an investigation, provided that Certification Manager has had no direct involvement in the appeal/complaint being lodged. Where this is case, the Certification Manager will notify the AACI Board of the lodged appeal/complaint for the AACI to conduct an investigation.
- The Certification Manager or AACI Board will then evaluate the appeal/complaint and all related records and make a ruling.
- The outcome of the appeal/complaint will be forwarded to the appellant or complainant.

6.2. Initial Evaluation and Investigation

6.2.1 The Certification Manager will conduct an initial evaluation and investigation of all appeals/complaints and give the appellant/complainant feedback regarding the planned action to address the appeal/complaint, and written notification when the action is completed. Records of all details related to appeals/complaints will be retained by ICCASA. Where the Certification Manager is directly involved in the appeal or complaint, the initial evaluation and investigation will be conducted by the AACI Board and the decision outcomes communicated to the appellant/complainant in writing via email.

6.2.2. If the appellant/complainant agrees with the outcome at this stage, then the appeal will not proceed any further.

6.2.3. If the communicated decision outcome by the Certification Manager is not accepted by the appellant/complainant, he/she has 10 working days to submit an appeal against the decision outcome. The appeal shall be escalated to the Appeals Panel in the complaints and appeals process. The Certification Manager will then submit such appeal to the AACI Board for an appeals panel investigation. This should take place within 20 working days after receiving an appeal against the initial investigation decision.

6.3. Appeals Panel

Appeals Panel– Independent Appeal Panel Selection, Criteria and Process

The AACI Board as the appeals panel, is responsible for handling the appeals against a decision outcome. The appeals panel will consist of at least 2 people completely independent from the initial appealed decision. The appeals panel will decide on the technical expertise that is needed and will appoint additional people, as and when needed.

6.3.1. Motions to Dismiss a Disputed Appeal

- a) The AACI Board may prior to the service of the notice of a meeting consider the charges and in its own motion or in motion of any party, dismiss the disputed appeal for insufficiency.
- b) If the motion is adopted by the AACI Board, the AACI Board Chairman will issue a ruling dismissing the matter and the Certification Manager will notify all affected parties.
- c) The Certification Manager shall retain records of all disputes, appeals, evidence, and related correspondence.

6.3.2. Appeals Panel Process

- a) The AACI Board is responsible for the appeals process and to safeguard the impartiality, including provisions to assure the impartiality of the operations of ICCASA.
- b) The appeals panel will respond to an appellant in writing (via email) within 60 days after receiving the appeal as to the outcome.

6.3.3. Appeals Outcome

- a) After considering all the presented findings of fact and conclusions, the AACI appeals panel will issue a ruling, either dismissing the action in which case the appealed decision will remain in force, or providing the sanctions for the appealed decision to be changed (including details of such change).
- b) The ruling shall be explicit and include as a part thereof, the official findings of conclusions of the appeals panel. The ruling will be served via email upon the respondent by the AACI Board Chairman.

6.3.4. Disputed Rulings

- a) The AACI Board appeals panel is not required to provide a hearing for consideration of disputed rulings.
- b) A petition to the AACI Board appeals panel for reduction of the severity of a sanction imposed must be in writing and may be submitted at any time after the ruling is issued.
- c) The AACI Board appeals panel may consider such appeals, a majority agreement and consensus are required to vacate or change a ruling.
- d) Where appellants/complainants are dissatisfied with the results of a dispute, at the appellants/complainant's request, all correspondence will be submitted along with a written report to ICCASA's accreditation body.

7. Ancillary Matters

7.1. Legal Council

- a) Any person appearing before the AACI Board panel or its representative is entitled to be accompanied, represented and advised by legal counsel. ICCASA may also be represented by legal counsel.
- b) The AACI Board may issue requests for appearance and issue requests for any documents pertinent to hearing.
- c) All correspondence shall be retained as a record of the appeal and resolution in the Appeals and Complaints File and/or electronic system.