



## Inter American Accreditation Cooperation

### PROCEDURE FOR HANDLING OF APPEALS AND COMPLAINTS

#### CLASSIFICATION

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#### AVAILABILITY

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Original: Spanish



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### PROCEDURE FOR HANDLING OF APPEALS AND COMPLAINTS

#### 1. OBJECTIVE

**1.1** This procedure describes the responsibilities and actions of the Chair, Secretary, Executive Committee, MLA Group, and IAAC members in relation to the handling and resolution of complaints and appeals.

**1.2** This procedure shall be publicly available on the IAAC website.

**1.3** IAAC considers, to the extent possible, that all complaints and appeals are an opportunity to improve its services and to implement corrective and preventive actions. IAAC is committed to monitor and achieve a continuous improvement in all areas of its activities.

#### 2. DEFINITIONS

The terms and definitions used in this procedure are based on ISO/IEC 17011:2004 and ISO/IEC 17000:2004.

##### 2.1 Complaint

Expression of dissatisfaction, other than an appeal, submitted in writing by any person or organization to IAAC, relating to the activities of IAAC, or to the activities of IAAC Members, where a response is expected.

##### 2.2 Appeal

Request by an accreditation body for reconsideration of any decision made by IAAC related to:

- its membership (or Memorandum of Understanding, MOU);
- the decisions made by the IAAC General Assembly or the Executive Committee, if the appellant considers such decisions have been made in breach of the IAAC procedures;
- Any adverse decision taken by the MLA Group, related to its current or future signatory status of the MLA;
- Any adverse decision carried out by an official or committee acting on behalf of IAAC including any adverse decision by a peer evaluation team related to its current or future signatory status of the MLA.

##### 2.3 Complainant

Person or Organization that submits a complaint.

##### 2.4 Appellant

Person or Organization that submits an appeal.



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- 2.5** Complaints Working Group (CWG)  
Group made up by a leader and one or more persons that are IAAC members and are designated by the IAAC Chair.
- 2.6** Appeals Working Group (AWG)  
Group made up by a leader and two or more persons that are IAAC members and are designated by the IAAC Chair. The members of the group should have the appropriate competence and be independent to the appeal's issue to carry out the investigation of the appeal.
- 2.7** AB  
Accreditation Body

### 3. GENERAL

- 3.1** All complaints and appeals must be submitted in writing, in English or Spanish, and must be addressed to the IAAC Chair with a copy to the IAAC Secretary.
- 3.2** The IAAC Chair is responsible for following up on all complaints and appeals, in consultation with the Executive Committee. At any time of handling a complaint or an appeal, the IAAC Chair may delegate his/her responsibility to the Vice-Chair or to another member of the Executive Committee.
- 3.3** Once the complaint or appeal is received, the IAAC Secretary shall:
- a) Inform the following to the complainant or appellant within 5 days, in writing:
    - Receipt of the complaint or appeal,
    - Inform in writing, if the complaint or appeal does not comply with what is established in this procedure.
  - b) Provide this procedure to the complainant or appellant.
- 3.4** If any IAAC member receives a complaint in writing against IAAC or an appeal against an IAAC decision, in writing, it shall immediately submit it to the IAAC Secretariat.
- 3.5** Regardless of the results of the investigation of the complaint or of the resolution of an appeal, the complainant and the appellant, as well as IAAC, shall cover their own costs.
- 3.6** The IAAC Secretary shall notify the complainant or appellant regarding the final result of the investigation, within 5 working days, after receiving the final results, according to the confidentiality requirements.



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- 3.7 The IAAC Secretary, shall keep a detailed and complete record of the reception, handling and results of all of the complaints and appeals.
- 3.8 The Secretary shall submit a summary of all of the complaints and appeals that were addressed before each IAAC Executive Committee meeting and the IAAC Chair, or his/her delegate shall report on the complaints during each meeting of the IAAC General Assembly.
- 3.9 A period of 6 months is desirable for the resolution of complaints and appeals. This period may be extended, when the Complaints Working Group (CWG) or the Appeals Review Group (ARG), justifies and reports the reasons to the Executive Committee.
- 3.10 The IAAC Secretary must keep the complainant or appellant informed throughout the complaints or appeals resolution process.

### **4. COMPLAINTS AGAINST IAAC ACTIVITIES**

- 4.1 For complaints directly related to IAAC activities, the IAAC Chair in consultation with the Executive Committee, shall designate a Complaints Working Group (CWG) to investigate the complaint, and shall designate a leader.
- 4.2 The composition of the CWG shall be accepted by the claimant, who may object to the designation if it considers that there is a conflict of interest.
- 4.3 The CWG shall carry out an investigation of the complaint and seek a solution to the topics involved. It is the responsibility of the CWG to ensure that the investigation is carried out in a timely manner. When necessary during the investigation process, the CWG and the claimant shall communicate directly.
- 4.4 The designated CWG shall keep the IAAC Chair and Secretary informed on the progress regarding the handling of the complaint. Except in the cases where the complaint affects them.
- 4.5 When the issue has been investigated and as soon as possible, the CWG leader shall submit a written report regarding the complaint to the IAAC Chair, with a copy to the IAAC Secretary, indicating if there is a basis for the complaint or not, the analysis that was carried out, and the recommendations regarding the resolution of the complaint.
- 4.6 The IAAC Chair, in consultation with the Executive Committee, shall decide if the recommendations are satisfactory in order to resolve the issue.
- 4.7 If the recommendations are not satisfactory, the Executive Committee may decide the recommendations to carry out or to request once again to the CWG to



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review the complaint based on the comments provided by the Executive Committee. Once the CWG drafts the final recommendation it shall send it once again to the IAAC Chair and Secretary for its approval.

- 4.8 The results of the complaint shall be informed to the claimant through the IAAC Secretary, who shall maintain and safeguard the resulting records.

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

- 5.1 If a complaint is submitted against the activities of an IAAC member, by a third party, IAAC shall ensure that the complaint be handled first by the IAAC member against whom the complaint was lodged, in order for the complaint to be addressed by the AB's complaints procedure.
- 5.2 To comply with the above, when a complaint is received, the complainant shall be asked to provide evidence that the complaint was handled and resolved by the specific AB, and the corresponding process will be followed according to section 4. If no information is received about how the complaint was handled by the AB, the complaint shall not be considered valid.
- 5.3 When the IAAC Chair, in consultation with the Executive Committee, consider it necessary, they may ask the IAAC Secretary, to provide a lead evaluator, before a peer evaluation, the details about a complaint received against an IAAC member, in order to verify additional information if it were necessary.

### **6. APPEAL AGAINST AN IAAC DECISION**

- 6.1 The appeal shall be submitted in writing, up to one month after the adverse decision was taken.
- 6.2 The appeal shall be considered in order to determine that the IAAC decision was carried out in an appropriate and competent manner, in accordance with the IAAC policies and procedures and taking into account the particular circumstances of each case.
- 6.3 The information regarding the actions, responses and behavior of the appellant and of IAAC shall be taken into consideration during the investigation.
- 6.4 All of the decisions are maintained until the results of the appeals investigation are accepted, except for the cases where the appeal is against a suspension or withdrawal of its signatory status, the signatory status shall remain in effect until the appeal investigation is finished.
- 6.5 In any moment during the process, the appellant may withdraw the appeal. If for any reason the appeal is withdrawn, a future appeal for the same reasons may



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not be considered.

- 6.6 The IAAC Chair, in consultation with the Executive Committee, shall designate an Appeals Review Group (ARG) and designate a leader.
- 6.7 The ARG shall collectively have the appropriate competence to carry out the investigation of the appeal.
- 6.8 The appellant may object the designation of some of the ARG members, in which case the IAAC Chair shall designate a replacement.
- 6.9 It is the responsibility of the ARG to obtain additional information that requires an investigation.
- 6.10 The ARG leader may carry out an investigation as he/she deems convenient. In any case, the appellant may have the opportunity to present its case with supporting documentary evidence. The supporting documents shall be submitted at least 10 business days before the meeting/review.
- 6.11 The ARG may call on witnesses or experts to provide advice.
- 6.12 After considering the evidence, the ARG shall draft a recommendation with supporting reasons.
- 6.13 The ARG leader shall inform in writing the IAAC Chair his/her conclusion and recommendation with a copy to the IAAC Secretary.
- 6.14 The IAAC Chair shall inform the Executive Committee so it may review and approve the recommendation of the ARG.
- 6.15 The results of the ARG's work shall be informed to the involved parties, in order for them to act accordingly.
- 6.16 The MLAG decisions regarding the status of an MLA signatory can only be changed by the MLAG. However, the Executive Committee may make recommendations to the MLAG in order to strengthen it.
- 6.17 The results of the appeal shall be informed to the appellant through the IAAC Secretary, who shall maintain and safeguard the resulting records.

## **7. APPEALS AGAINST THE FINDINGS AND RECOMMENDATIONS BY A PEER EVALUATION TEAM**

- 7.1 The appeal shall be submitted in writing, up to one month after the evaluation by a peer evaluation team or the incident. The appeal must include a detailed description of the points of disagreement.



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- 7.2 The appeal will be considered in order to determine whether the findings during the peer evaluation, the status of review and closing non-conformities, or any adverse decision were carried out in an appropriate and competent manner, in accordance with the IAAC policies and procedures and taking into account the particular circumstances of each case.
- 7.3 The information regarding the actions, responses and behaviors of the appellant and the peer evaluation team shall be taken into consideration during the investigation.
- 7.4 All of decisions are maintained until the results of the appeals investigation are accepted.
- 7.5 The IAAC Chair, in consultation with the MLA Group, shall designate a lead evaluator to analyze the information. The lead evaluator shall have the appropriate technical competence and be independent to the appeal's issue to carry out the investigation of the appeal.
- 7.6 The appellant may object to the designation of the lead evaluator, in which case the IAAC shall designate a replacement.
- 7.7 It is the responsibility of the lead evaluator to obtain additional information that requires an investigation.
- 7.8 The designated lead evaluator may call on witnesses or experts to provide advice.
- 7.9 The designated lead evaluator shall contact the parties involved and reach a consensus up to 15 days from the receipt of the documentation. If a consensus is not reached within 15 days, the lead evaluator shall inform in writing the IAAC Chair his/her conclusion and recommendation with a copy to the IAAC Secretary.
- 7.10 The IAAC Chair shall inform the MLA Group so it may review and approve the recommendation of the designated lead evaluator.
- 7.11 The results of the lead evaluator's work shall be informed to the involved parties, in order for them to act accordingly.
- 7.12 The results of the appeal shall be informed to the appellant through the IAAC Secretary, who shall maintain and safeguard the resulting records.



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### 8. CONFIDENTIALITY AND CONFLICT OF INTEREST

- 8.1 Any individuals nominated as members of a CWG or an ARG, or otherwise involved in the complaints and appeals process, that have a real or perceived conflict of interest or confidentiality issue with the situation presented shall excuse themselves immediately from any discussions or potential receipt of information regarding the specific complaint/appeal. ARG members shall have no commercial or other interest in the appeal being considered.
- 8.2 For the purpose indicated above, the members of the ARG, the CWG or the designated leader shall sign or have signed the FM 011 IAAC Declaration of confidentiality and impartiality.
- 8.3 All persons involved shall take necessary measures to preserve the confidentiality of information obtained during the investigation. A complainant or appellant may request to remain anonymous to other parties involved in the investigation and during the investigation, appropriate steps shall be taken to preserve confidentiality.