



PROCEDURE FOR HANDLING OF APPEALS AND COMPLAINTS

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AVAILABILITY

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PROCEDURE FOR HANDLING OF APPEALS AND COMPLAINTS

1. OBJECTIVE

- 1.1 This procedure describes the IAAC process for the handling of appeals and complaints including the role of the IAAC Chair, Executive Secretary, Technical Secretary, Executive Committee, MLA Group and IAAC members, who are involved in addressing appeals and complaints filed regarding IAAC and IAAC member organizations.

2. DEFINITIONS

The terms and definitions used in this procedure are based on the current versions of ISO/IEC 17011 and ISO/IEC 17000.

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 or Stakeholder for reconsideration of:

- 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.
- Any adverse decision made by IAAC, in regard to achieving, maintaining or extending the Multilateral Recognition Arrangement (MLA).
- Any Adverse Nonconformity raised on behalf of IAAC by a peer evaluation team regarding its current or future status as an MLA signatory.



- 2.3** Complainant
Person or Organization that submits a complaint.
- 2.4** Appellant
Person or Organization that submits an appeal.
- 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. The members of the CWG should have knowledge of IAAC processes and procedures and be independent of the subject of the complaint to conduct its investigation.
- 2.6** Appeals Working Group (AWG)
Group made up of a leader and two or more persons that are IAAC members and are appointed by the IAAC Chair. The members of the AWG should have the appropriate competence and be independent of the appeal's issue to carry out the investigation of the appeal.
- 2.7** AB
Accreditation Body

3. GENERAL

3.1 This procedure describes the management process from the receipt of the appeal or complaint against IAAC or an IAAC member organization, until the issuance of the notice of completion of the appeal or complaint handling process to the appellant or complainant. The process includes the analysis and follow-up actions, where required.

3.2 IAAC is responsible for the decisions made at all levels, within the framework of this procedure, in this sense:

- a) The investigation and the decision regarding complaints or appeals will not result in any discriminatory action, ensuring the impartiality and transparency of the decisions made by the Executive Committee.
- b) IAAC is responsible for collecting and verifying all the information necessary for reviewing the appeal or complaint.
- c) The decision on the appeal or complaint will be made, reviewed and approved by persons who are not involved in the activities related to the appeal or complaint.

3.3 This procedure shall be publicly available on the IAAC website.



- 3.4 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.
- 3.5 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 Executive Secretary and contain the information established for each situation as defined in this procedure.
- 3.6 The IAAC Chair with the support of the IAAC Executive Secretary is responsible for following up on all complaints and appeals, in consultation with the Executive Committee.
- 3.7 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.
- 3.8 At any moment during the appeal or complaint process, the complainant or appellant may withdraw the complaint or appeal. If for any reason the complaint or appeal is withdrawn, a future complaint or appeal for the same reasons may not be considered.
- 3.9 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. Upon submitting it, no pronouncement shall be made.
- 3.10 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.
- 3.11 The IAAC Executive Secretary, shall keep a detailed and complete record of the reception, handling and results of all of the complaints and appeals.
- 3.12 The IAAC Executive Secretary shall monitor the Complaints and Appeals processes to ensure that actions including follow up actions are performed as required, and inform the IAAC Chair.
- 3.13 The Executive 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.



- 3.14 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. In the event that the deadline to resolve the complaint and / or appeal is extended, the IAAC Executive Secretary shall notify the interested party.
- 3.15 The IAAC Executive Secretary must keep the complainant or appellant informed throughout the complaints or appeals resolution process.

4. COMPLAINT AGAINST IAAC ACTIVITIES

- 4.1 The complainant shall submit a complaint related to IAAC activities, in writing and addressed to the IAAC Chair.
- 4.2 Once the complaint is received, the IAAC Executive Secretary shall:
- Inform the following to the complainant within 5 working days, in writing:
 - Receipt of the complaint,
 - Inform, if the complaint may proceed or not, according to this procedure for each situation.
 - Provide a copy of this procedure to the complainant.
- 4.3 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.
- When appointing the CWG, the competence of its members shall be taken into account, based on the reason of the complaint.
- 4.4 The composition of the CWG shall be accepted by the complainant, who may object to the designation if it considers that there is a conflict of interest.
- 4.5 The Executive Secretary shall send the information submitted by the complainant to the CWG. The CWG shall carry out an investigation of the complaint and seek a solution to the topics involved, as deemed necessary.
- 4.6 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 complainant may communicate directly.

- 4.7 The designated CWG shall keep the IAAC Chair and the Executive Secretary informed on the progress regarding the handling of the complaint.
- 4.8 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, using form FM 026 Record of an appeal and/or complaint, with a copy to the IAAC Executive 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 by IAAC.
- 4.9 The IAAC Chair, in consultation with the Executive Committee, shall make a decision regarding the FM 026 report's conclusions and recommendations.
- 4.10 If the the Executive Committee does not concur with the recommendations made by the CWG, the EC can proceed to make a decision or ask the CWG to again 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 the Executive Secretary. The Executive Committee shall make a decision on the complaint taking the recommendations of the CWG into consideration.
- 4.11 The IAAC Executive Secretary shall notify the complainant or appellant regarding the final result of the investigation recorded in the FM 026 complaint report, within 5 working days, after receiving the final results, according to the confidentiality requirements. The Executive Secretary shall inform, if applicable, if there are additional actions regarding the decision.
- 4.12 The results of the complaint are confidential and shall not be disclosed by the complainant to third parties or persons outside the organization, unless required by law.
- 4.13 The results of the investigation carried out by IAAC, of a complaint against IAAC may not be appealed.

5. COMPLAINT AGAINST AN IAAC MEMBER ACCREDITATION BODY

- 5.1 The complainant shall submit a complaint against an IAAC member accreditation body, regarding matters related to compliance with the requirements of the Accreditation Body's membership in IAAC and/or its MLA signatory status. The complaint shall be submitted in writing and addressed to the IAAC Chair.



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, according to what is established in the AB's complaints procedure.

- 5.2 The complainant must file a complaint with the following information (except in cases where possible fraudulent behavior is reported):
- a) Copy of the complaint filed with the AB involved.
 - b) Copy of the response to the complaint issued by the AB.
 - c) Written indicating the reason for the complaint before IAAC and reasons why it considers that the response issued by the AB is considered unsatisfactory.
 - d) The AB's complaint's procedure, if available.

Note 1: If the claimant does not submit the requested information, the claimant will be informed that the complaint may not proceed and the claimant shall be notified so it may submit the missing information, if deemed necessary.

- 5.3 Once the complaint is received, the IAAC Executive Secretary shall:

Inform the following to the complainant within 5 working days, in writing:

- Receipt of the complaint,
- Inform, if the complaint may proceed or not, according to this procedure for each situation.
- Provide a copy of this procedure to the complainant.

- 5.4 The IAAC Chair, in consultation with the Executive Committee, shall appoint a leader and a Complaint Working Group (CWG), who will investigate the complaint.

- 5.5 The composition of the CWG shall be accepted by the complainant, who may object to the designation if it considers that there is a conflict of interest.

- 5.6 The Executive Secretary shall send the information submitted by the complainant to the CWG. It is the responsibility of the CWG to ensure that the investigation is carried out in a timely manner.

- 5.7 During the investigation process, the GTQ may conduct an interview with the claimant or the AB to obtain more information, when deemed necessary. The GTQ may ask the Technical Secretary to clarify any technical issues if it



deems it necessary.

5.8 When the matter has been investigated, the GTQ leader must submit to the IAAC Chair, with a copy to the IAAC Executive Secretary, a written report on the complaint using form FM 026 Record of Appeal and/or Complaint, indicating whether the complaint has been found to be substantiated or not, the analysis carried out and the recommendations on the resolution of the complaint by IAAC, which may be:

- a) The complaint does not proceed because the AB gave an adequate and substantive response to the claimant, according to its own complaints procedure. Therefore, the Executive Secretary will inform the claimant that the complaint does not proceed because it was addressed by the AB.
- b) The complaint proceeds because the AB did not provide a substantive response to the claimant nor did it comply with its own complaints' procedure. IAAC will request the AB to address the claimant's complaint in depth and report the response to the GTQ. The GTQ will ask the claimant to confirm if it accepts the AB's response to the complaint, if so the GTQ will end IAAC's involvement.
- c) The complaint indicates a possible noncompliance with ISO/IEC 17011 or of the AB's commitments to the IAAC MLA, which cannot be addressed as a complaint because they require an evaluation of its competence to maintain the AB's MLA arrangements. The GTQ will request to transfer the findings to the MLA Group to determine the actions to follow in accordance with MD002 Policies and procedures for a Multilateral Recognition Arrangement between accreditation bodies. The complaint shall be considered closed once it is forwarded to the MLA Group. The MLA Group shall inform the Executive Committee about the actions it will take. In the event that the matter is not resolved, the MLA Group will forward it to the Executive Committee for review and decision.

5.9 When the IAAC Chair, in consultation with the MLA Group, considers it necessary, they may ask the IAAC Executive Secretary, to send to the lead evaluator, before a peer evaluation, the details about a complaint received against an IAAC member, in order to verify the information that is relevant to the process, if it were necessary.



- 5.10 The IAAC Executive Secretary shall send the complaint to the AB, except in cases where possible fraudulent behavior, falsification of information or deliberate violation of accreditation requirements that require an MLA Group intervention, are observed.
- 5.11 The FM 026 report submitted by the CWG to the IAAC Chair, with a copy to the IAAC Executive Secretary, shall be based in the context of the evidence submitted or collected during the investigation of the complaint. The CWG actions shall not substitute the functions of a peer evaluation.
- 5.12 The IAAC Chair, in consultation with the Executive Committee, shall make a decision regarding the FM 026 report's conclusions and recommendations.
- 5.13 The IAAC Executive Secretary shall notify the complainant or appellant regarding the final result of the investigation recorded in the FM 026 complaint report, within 5 working days, after receiving the final results, according to the confidentiality requirements. The Executive Secretary shall inform, if applicable, if there are additional actions regarding the decision.
- 5.14 The results of the complaint are confidential and shall not be disclosed by the complainant to third parties or persons outside the organization, unless required by law. If the IAAC results or recommendations regarding the complaint are not addressed by the AB, the IAAC Chair, in consultation with the Executive Committee, may appoint a CWG to follow up on the complaint.
- 5.15 The results of the investigation carried out by IAAC, of a complaint against an IAAC member may not be appealed.

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 appeals investigation concludes,



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 The IAAC Chair, in consultation with the Executive Committee, shall designate an Appeals Review Group (ARG) and designate a leader.
- 6.6 Once the appeal is received, the IAAC Executive Secretary shall:
Inform the following to the appellant within 5 working days, in writing:
 - Receipt of the appeal,
 - Inform, if the appeal may proceed or not, according to this procedure for each situation.
 - Provide a copy of this procedure to the appellant.
- 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 The Executive Secretary shall send the information submitted by the appellant to the ARG. 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, experts or the IAAC Technical Secretariat 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 Executive 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, using form FM 026 Record of an appeal and/or complaint, in order for them to act



accordingly.

- 6.16 The MLA Group 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 Executive Secretary, who shall maintain and safeguard the resulting records.
- 6.18 The results of the appeal are confidential and cannot be disclosed by the appellant to third parties / persons outside the organization unless required by law.

7. APPEALS AGAINST THE FINDINGS RAISED 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.
- 7.2 The appeal will be considered in order to determine whether the Nonconformities raised during the peer evaluation 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 Once the appeal is received, the IAAC Executive Secretary shall:
Inform the following to the appellant within 5 working days, in writing:
 - Receipt of the appeal,
 - Inform, if the appeal may proceed or not, according to this procedure for each situation.
 - Provide a copy of this procedure to the appellant.
- 7.6 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 of the appeal's issue to carry out the investigation of the appeal.



- 7.7 The appellant may object to the designation of the lead evaluator, in which case the IAAC shall designate a replacement.
- 7.8 The Executive Secretary shall send the information submitted by the appellant to the ARG. It is the responsibility of the lead evaluator to obtain additional information that requires an investigation.
- 7.9 The designated lead evaluator may call on witnesses or experts to provide advice.
- 7.10 The designated lead evaluator shall contact the parties involved and reach a consensus up to 20 working days from the receipt of the final documentation.
- 7.11 If a consensus is not reached within 20 working days, the lead evaluator shall submit the FM 026 Record of an appeal and/or complaint, to the IAAC Chair the conclusions and recommendations with a copy to the IAAC Executive Secretary.
- 7.12 The IAAC Chair shall inform the MLA Group so it may review and approve the recommendation of the designated lead evaluator.
- 7.13 The results of the lead evaluator's work shall be informed to the involved parties, using form FM 026 Record of an appeal and/or complaint, in order for them to act accordingly.
- 7.14 The results of the appeal shall be informed to the appellant and to the IAAC peer evaluation team, through the IAAC Executive Secretary, who shall maintain and safeguard the resulting records.

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 state the conflict in writing to the Executive Secretary so that the IAAC Chair, Vice-Chair, or The Executive Committee, depending on the reported conflict, may decide whether there is a need to delegate the handling of the process to another of its members. ARG members shall have no commercial or other interest in the appeal being considered.
- 8.2 For the purpose indicated above, the Executive Committee members, MLA Group members, Executive Secretary, Technical Secretary, 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.
- 8.4 The Executive Secretary shall expressly warn in the communications issued to the interested party (complainant, appellant or third party), that the complaint and/or appeal process is strictly confidential and it is forbidden to communicate its status to third parties, otherwise the complaint or appeal may be considered withdrawn.