

COMPLAINTS AND APPEALS PROCEDURE

SUMMARY: This procedure covers the appeals and complaints process in providing a resolution on the outcome of the appeal or a complaint.

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AMENDMENT HISTORY

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1. PURPOSE

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

- An appeal is requested by an applicant, candidate or certified person for reconsideration of any adverse decision made by SAATCA related to her/his desired certification status.
- A complaint is received involving an expression of dissatisfaction, other than appeal, by any person or organisation to SAATCA for corrective action relating to the activities of SAATCA or the activities of a SAATCA certified person, SAATCA member or organisation, 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. DOCUMENTS

2.1 APPLICABLE DOCUMENTS

SF02a	Appeal Form
SF02b	Complaints Form

2.2 REFERENCES DOCUMENTS

ARP 2 7 - Renewal Suspension and Withdrawal of Auditor

3. PROCEDURE OVERVIEW/

3.1. APPEALS

- 3.1.1 SAATCA shall have a 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.
- 3.1.2 A description of the appeals-handling process is available on the SAATCA website for public view and access.
- 3.1.3 SAATCA shall acknowledge receipt of the appeal and shall provide the appellant with progress reports and the outcome and shall give formal notice to the appellant of the end of the appeals-handling process.
- 3.1.4 SAATCA 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 different to those who were involved in the decision being appealed.
- 3.1.5 Appeals shall be handled by the Certification Manager and/or a designated person assigned by the Certification Manager. The designated person cannot be the staff member involved in the decision being appealed
- 3.1.6 SAATCA must ensure that required submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant. SAATCA shall ensure that, if applicable, appropriate corrections and corrective actions are taken and shall further address these corrective actions as part of SAATCA preventative actions to avoid similar occurrences, where applicable.
- 3.1.7 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

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details related to appeals shall be retained. If the appeal cannot be resolved to the satisfaction of the appellant and the Certification Manager, it shall be escalated further.

- 3.1.8 Where the appellant disagrees with the evaluation/assessment given, he or she must explain the reasons for this to SAATCA as soon as possible. In most circumstances this will be immediately after receiving the re-evaluated decision and no later than 30 working days after receiving the decision.

3.2. COMPLAINTS

- 3.2.1 SAATCA shall have a documented process to receive, validate investigate and make decisions on actions to be taken in response to a complaint. This procedure includes SAATCA actions in regard to complaints received from applicants, candidates, certified persons and their employers, and other parties about the certification process and criteria.
- 3.2.2 This procedure aims to ensure that all complaints are dealt with in a constructive, impartial and timely manner. The procedure shall treat all parties fairly and equitably. The Complainer or certified person (*person against whom the complaint is being lodged*) shall be notified of the nature of the complaint at an appropriate time. The complaints-handling process shall be subject to ensuring confidentiality, in relation to the complainant and to the subject of the complaint.
- 3.2.3 A description of the complaints-handling process is available on the SAATCA website for public view and access. Complaints shall be handled by Certification Manager and/or a designated person assigned by the Certification Manager. This designated person cannot be the staff member involved in the initial assessment.
- 3.2.4 Upon receipt of a complaint, SAATCA shall confirm whether the complaint relates to certification activities and, if so, shall respond accordingly. SAATCA shall acknowledge receipt of the complaint and shall provide the complainant with progress reports and the outcome.
- 3.2.5 Upon receipt of a complaint, SAATCA shall be responsible to verify all necessary information to validate the complaint. This shall be done through an appointed committee of suitably qualified people.
- 3.2.6 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. If the complainant is not satisfied with a complaint review decision, there is a provision for him or her to file an appeal.
- 3.2.7 SAATCA shall ensure that, if applicable, appropriate corrections and corrective actions are taken and shall further address these corrective actions as part of SAATCA preventative actions to avoid similar occurrences, where applicable.
- 3.2.8 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. Records of all details related to complaints shall be retained. If the complaint cannot be resolved to that satisfaction of the complainant and the Certification Manager, it shall be escalated to an appeal.
- 3.2.9 Where the complainant disagrees with the decision given, he or she must explain the reasons for this to SAATCA 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.

4. RESPONSIBILITIES

The Certification Manager shall ensure this procedure is implemented and maintained.

The SAATCA Board of Directors shall take overall responsibility for appeals and complaints.

5. APPEALS AND COMPLAINTS PROCEDURE

5.1. TECHNICAL MANAGEMENT ADVISORY COMMITTEE (TMAC)

The Technical Management Advisory Committee (TMAC) is a SAATCA Board-appointed Committee, which is responsible for the appeal process and to safeguard the impartiality, including provisions to assure the impartiality of the Certification of SAATCA. This structure enables the participation of parties who are significantly involved in the functioning of the SAATCA certification management system, possess technical related knowledge and skills with regard to certification criteria, auditing/auditor expertise, industry expertise and without any particular interest predominating. The TMAC is chaired by the SAATCA Technical Director and/or a competent person assigned by the Technical Director and approved by the SAATCA Board. The Technical Director is responsible for providing feedback on the outcome of the appeal to the SAATCA Board for final approval.

The TMAC is composed of, at least three members comprising of the Certification Manager, TMAC acting Chairperson and a technical expert in the related certification scheme or certification process. The TMAC may invite members with specialist knowledge and background to form part of the TMAC committee.

On request of the TMAC, management shall provide to the SAATCA Board all the necessary information, including the reasons for all significant decisions, actions, and the selection of persons responsible for particular activities, in respect of certification, to enable SAATCA to ensure proper and impartial certification.

5.2. APPEALS COMMITTEE- MEMBERS

The members of the TMAC Appeals Sub- committee can comprise of members from the related Auditor Certification Scheme Committee or other independent and impartial members assigned by SAATCA. In the event that a member/s of the TMAC have a conflict of interest, based upon the facts or circumstances of a specific appeal, including employment or other affiliations of the appellant, then SAATCA management in conjunction with the acting Chair of the TMAC shall select a substitute member/s.

6. PROCEDURE

6.1. Receipt and Logging of Appeals and Complaints

6.1.1. All appeals and complaints received shall be recorded. This may happen directly via the SAATCA website, as below, or submitted in writing to SAATCA, in which case the certification Manager shall log the appeal or complaint using either the electronic system or Appeals form (SF02a).

6.1.2. The form SF02 available on the SAATCA website may be completed and submitted to SAATCA. All details of the appeal or complaint should be completed or obtained by the Certification Manager, 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 and the expected outcome.

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- 6.1.3. A form SF02a 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 SAATCA with regards to a SAATCA-staff member, Director, Registered Auditor or Registered Training course Provider.
- 6.1.4. SAATCA will acknowledge receipt of all appeals and complaints and the Certification Manager shall keep the SAATCA Board informed thereof.
- 6.1.5. Upon receipt of a SF02a form and attached information, the Certification Manager shall evaluate the appeal/complaint and investigate. All the related records will be forwarded to the TMAC Appeals Sub-committee at the first scheduled meeting.
- 6.1.6. Should a complaint involve a SAATCA Auditor, Registered training course provider or SAATCA staff member, the TMAC Appeals Sub-committee will evaluate the complaint and all related records and make a ruling. This is only in the instance where the incident does not involve any of the TMAC members. (Also refer ARP 2 7 - Renewal Suspension and Withdrawal of Auditor and Training course Provider Registration)
- 6.1.7. Should the incident involve a SAATCA Director, the incident will be referred to the SAATCA Board of Directors.
- 6.1.8. The outcome of the incident will be forwarded to the complainant as well as the complainant.

6.2. Initial Evaluation and Investigation – Stage One

- 6.2.1 The Certification Manager will investigate all appeals/complaints and give the appellant/complainant feedback regarding the planned action to address the appeal/complaint, and written notification of the action's completion. Records of all details related to appeals/complaints shall be retained.
- 6.2.2. If the decision is not accepted by the appellant/complainant, it shall be escalated to an appeal. The Certification Manager shall submit such appeal to the TMAC Appeals Sub-committee.
- 6.2.3. Appeal/Complaint will be reviewed by the Certification Manager and/or a designated person assigned by her/him. This designated person cannot be the staff involved in initial assessment. The Certification Manager shall consider the candidate's explanation and provide a written response through a clear explanation or a repeat explanation of the assessment decision following a re-evaluation of the evidence.
- 6.2.4. This should take place within 15 working days after receiving an appeal/complaint and the appellant/complainant will receive an answer in writing (via email) about the decision.
- 6.2.5. If the appellant/complainant agrees with the outcome at this stage then the appeal will not proceed any further.
- 6.2.6. If the appellant/complainant is not satisfied with the outcome then he or she can lodge an Appeal with SAATCA within 30 working days in writing (via email) providing reasons for dissatisfaction and supportive evidence which will be submitted to the TMAC Appeals Sub-committee as the independent appeal committee.

6.3. Independent Appeal Panel – Stage Two

TMAC Appeals Sub-committee– Independent Appeal Panel Selection, Criteria and Process

The TMAC Appeals sub-committee will be appointed by the Board of Directors and will consist of at least 2 people completely independent from the initial appealed decision. The hearing sub-committee will decide on the technical expertise that is needed and will appoint additional people as needed.

6.3.1. Motions to Dismiss a Disputed Appeal

- 6.3.1.1 The TMAC Appeals Sub- Committee 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.
- 6.3.1.2 If the motion is adopted by the TMAC Appeals Sub-Committee, the TMAC Appeals Sub- Committee Chairman shall issue a ruling dismissing the matter and the Certification Manager shall notify all affected parties.
- 6.3.1.3 The Certification Manager shall retain records of all disputes, appeals, evidence, and related correspondence.

6.3.2. Appeals Committee Process

- 6.3.2.1 The Technical Management Advisory Committee (TMAC) is a SAATCA Board-appointed Committee, which is responsible for the appeal process and to safeguard the impartiality, including provisions to assure the impartiality of the Certification of SAATCA.
- 6.3.2.2 The Appeal Committee 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

- 6.3.3.1 After considering all the presented findings of fact and conclusions, the TMAC Appeals Sub-Committee shall 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).
- 6.3.3.2 The ruling shall be explicit and include as a part thereof, the official findings of conclusions of the TMAC Appeals Sub-Committee. The ruling shall be served by registered post upon the respondent by the TMAC Sub-Committee Chairman.

6.3.4. Disputed Rulings

- 6.3.4.1 The TMAC Appeals Sub-Committee is not required to provide a hearing for consideration of disputed rulings.
- 6.3.4.2 A petition to the TMAC Appeals Sub-Committee for vacation or reduction of the severity of a sanction imposed shall be in writing and may be submitted at any time after the ruling is issued
- 6.3.4.3 The TMAC Appeals Sub-Committee shall consider such appeals, a two-thirds majority of a quorum of the Sub-Committee members present is required to vacate or change a ruling.
- 6.3.4.4 If the original ruling is not thereby vacated or changed, the respondent will be so notified and may appeal in writing to SAATCA Board of Directors. Appeals to the SAATCA Board of Directors must be received not less than 14 days prior to its next regularly scheduled meeting for consideration at that meeting. Appeals received less than 14 days prior to the next regularly scheduled meeting of the SAATCA Board of Directors will not be considered until the following regularly scheduled meeting.
- 6.3.4.5 Where complainants are dissatisfied with the results of a dispute, at the complainant's request, all correspondence shall be submitted along with a written report the South African National Accreditation System (SANAS)

7 PROCESSING FOR RECORDING INCIDENTS, COMPLAINTS AND APPEALS

7.1 Time frame for the completion of incidents is 30 days, but can be extended due to the nature of the incident.

An applicable form is available electronically on the SAATCA website for download by any person that wishes to:

- log a complaint about SAATCA services, personnel or systems.
- Appeals - for reconsideration of any decision made by SAATCA related to a certification decision

7.2 On receipt of the relevant form and supporting documentation the Secretary shall:

- allocate an appeal/complaint/ number according to the next available number as obtained from the Incident Register (SF03)
- confirm receipt of the request, including the applicable incident number and estimated time line for feedback, to the initiator.
- capture the details of the incident on the database under the comments section for the specific record.
- schedule a “follow up reminder” on the specific comment, for least five days before the due date for feedback.
- inform the Certification Manager of the incident.

7.3 On receipt of the incident the Certification Manager shall:

- review the details of the incident
- assign an action to a dedicated person/committee/board for the immediate correction to the existing problem.
- initiate the investigation into and identification of the root cause.
- allocate the corrective/preventative/improvement action to the dedicated person/committee/board, with a clear target date.

7.4 The outcome of the incident (corrective/preventative/improvement action) will be communicated to the initiator. In the case of an appeal or dispute the outcome will include clear justification for the decision.

7.5 The incident will be closed out by the management representative/initiator, if the initiator has accepted the corrective action.

7.6 Any follow up comments/decisions will be logged. The incident, all communication and supporting documentation will be filed electronically under, in the shared folder - Incidents, per initiator and per incident number.

7.7 The incident, all communication and supporting documentation will be filed in hard copy on the Incident file, per incident number. Open incidents will be filed under “open” and will only be moved to closed when accepted by the management representative or initiator.

7.8 The incident and outcome of the incident where applicable, will be updated in the Customer/Supplier file and the outcome of the incident will be updated in the Incident Register (SF03)

8 Ancillary Matters

8.1 Authorised Staff

An employee or agent directly engaged in the performance of investigative or advocacy functions for the SAATCA Board of Directors in any complaint involving sanction, shall not participate or advise in the decision, recommend decision, or SAATCA Board of Directors meetings.

8.2 Legal Council

Any person appearing before the TMAC Appeals Sub-Committee, Board of Directors or its representative is entitled to be accompanied, represented and advised by legal council. The SAATCA Board of Directors may be represented by legal council.

Any member of the TMAC Appeals Sub-Committee or its Chairman may administer oaths and issue requests for appearance and any issue requests for documents pertinent to hearing.

8.3 Special Matters

Practice or Offer to Practice by Non-certified Personnel claiming SAATCA Certification.

Incidents related to an individual's claims relating to SAATCA Certification may be received and investigated.

Upon receipt of such Incident, the Certification Manager shall notify the individual of the Incident and advise him that he should cease such practice if, in fact, he is doing so, failing which the SAATCA Chairman shall instruct the Secretariat to make a public announcement in this regard in a selected media.