

## **1 PURPOSE AND SCOPE**

- 1.1 The processes to be followed to address an appeal by a CAB against an ASI accreditation decision.

## **2 TERMS AND DEFINITIONS**

- 2.1 All terms and definitions are provided in the ASI Vocabulary.

## **3 ASSOCIATED DOCUMENTATION**

|     |                             |   |
|-----|-----------------------------|---|
| 3.1 | Standards and Policies      | ISO 17011:2004  |
| 3.2 | Procedures, Guidelines      | ASI-PRO-20-101-Accreditation v2.0<br>ASI-PRO-20-104-Complaints v2.0<br>ASI-PRO-10-101-System Improvement v1.0 |
| 3.3 | Checklists, Templates, etc. | Appeals File<br>Accreditation Committee Terms of Reference  |

## **4 GENERAL**

- 4.1 Appeals may only be made by a CAB against accreditation decisions made by ASI.
- 4.2 Appeals to ASI should not be confused with appeal processes that certification scheme may operate, if any. If a certification scheme operates an independent appeal system, ASI shall take the results of any such appeal into account but shall not be bound by them.

## **5 APPEAL FROM A CAB**

- 5.1 An appeal by a CAB against an ASI accreditation decision may only be related to:
- 5.1.1 Refusal by ASI to accept its application for accreditation;
  - 5.1.2 Refusal to proceed with an accreditation assessment;
  - 5.1.3 Disagreement with a nonconformity raised by ASI;
  - 5.1.4 A decision to reduce, suspend or terminate accreditation or any other action that impedes the attainment of accreditation status desired by the CAB;
  - 5.1.5 Changes in scope of accreditation.

- 5.2 The grounds for an appeal are limited to:
- 5.2.1 An appeal based on the fact that ASI has not followed its own procedures or certification scheme requirements for conducting accreditation assessments;  
or
  - 5.2.2 An appeal based on the fact that ASI has incorrectly interpreted the requirements for accreditation.
- 5.3 Notifications of appeal shall be received within 30 days of the ASI decision being received by CAB, and shall be submitted to the ASI Director.
- 5.4 The appeal notification to ASI Director shall:
- 5.4.1 Be in English and signed by the CAB's legal representative;
  - 5.4.2 Specify the grounds on which the appeal is made;
  - 5.4.3 Be accompanied by relevant documented evidence;
  - 5.4.4 Indicate the steps that were taken to resolve the issue prior to lodging the appeal, if any;
  - 5.4.5 Contain an agreement to pay the costs of the appeal process, if and as allocated by the Appeals Panel;
  - 5.4.6 Contain an agreement to adhere to all terms and provisions of this ASI procedure.
- 5.5 The ASI Director shall verify that the conditions for an appeal as outlined above have been met, and if not, shall require the appellant to provide the appeal in compliance with this ASI procedure.
- 5.6 ASI will only receive appeals that meet all the conditions indicated above. The ASI Director shall formally acknowledge receipt of an appeal only once all conditions for appeal have been met.
- 5.7 An Appeals Panel shall be established if needed to ensure independence and avoid any potential conflict of interest. The Appeals Panel may consist of just one person if appropriate knowledge, independence and impartiality can be demonstrated.
- 5.8 Once established, the CAB shall be informed of the name of the Appeals Panel members and shall be requested to confirm in writing their agreement with the composition of the Appeals Panel.
- 5.9 The Appeals Panel's Terms of Reference and operating procedures are described in Appendix 1.
- 5.10 The Appeals Panel shall review the appeal and all the relevant documented evidence provided by the appellant and ASI.
- 5.11 The Appeals Panel shall report and take one of the following decisions based on the relevant accreditation and certification scheme requirements:
- 5.11.1 Reject the appeal and maintain ASI accreditation decision.

- 5.11.2 Accept the appeal and overwrite ASI accreditation decision. In this case the Appeals Panel shall propose a new accreditation recommendation.
  - 5.11.3 Conclude that accreditation and/or certification requirements are unclear and refer the case back to the certification scheme owner for clarification. The Appeals Panel shall not establish new scheme requirements or come-up with a new interpretation of existing scheme requirements.
- 5.12 The decision of the Appeals Panel shall be clearly indicated in the conclusion of the appeal report.
  - 5.13 The decision of the Appeals Panel shall be binding on all parties and no further appeal on the same matter shall be accepted.
  - 5.14 Records of the appeal shall be kept and archived on the ASI server in the Appeals File. A copy of the final Appeals Panel report shall be published on the ASI website

## **6 REVIEW OF APPEALS**

- 6.1 Records of appeals shall be reviewed during internal management reviews and may be presented for information at ASI Accreditation Committee and ASI Advisory Committee meetings.

## **APPENDIX 1: APPEALS PANEL TERMS OF REFERENCE**

### **1.0 MEMBERSHIP**

- 1.1 Up to three experts will be appointed by ASI to form the Appeals Panel. A different Appeals Panel maybe formed for each appeal received.
- 1.2 The experts shall be independent and impartial, with no potential conflict of interest, to the appeal in question.
- 1.3 Appeals Panel members will be requested to sign a confidentiality agreement if they have not already done so.
- 1.4 The CAB shall be informed of the name of the Appeals Panel members and shall be requested to confirm in writing their agreement with the composition of the Appeals Panel.
- 1.5 The CAB can only object to Appeals Panel members based on either lack of appropriate knowledge or potential conflict of interest. The ASI Director shall consider such a challenge and the objective evidence provided by the CAB.
- 1.6 One of the appointed members shall be appointed to act as chair of the Appeals Panel.

### **2.0 FUNCTIONS OF THE APPEALS PANEL**

- 2.1 To investigate and review the appeal made by an applicant or accredited CAB against an ASI accreditation decision.
- 2.2 To make a binding decision on the appeal. Appeal decisions can be as follow:
  - 2.2.1 Reject the appeal and maintain ASI accreditation decision.
  - 2.2.2 Accept the appeal and overwrite ASI accreditation decision. In this case the Appeals Panel shall propose a new accreditation recommendation.
  - 2.2.3 Conclude that accreditation and/or certification requirements are unclear and refer the case back to the certification scheme owner for clarification. The Appeals Panel shall not establish new scheme requirements or come-up with a new interpretation of existing scheme requirements.
- 2.3 To report and advise the parties of the final decision.

### **3.0 PROCEDURE**

- 3.1 The ASI Director or a designated representative shall act as secretary to the Appeals Panel.
- 3.2 Appeals Panel members shall receive and examine at a minimum the following documents:

- 3.2.1 Appeal letter presenting the formal appeal.
  - 3.2.2 Recent assessment report(s) by the CAB relevant to the appeal.
  - 3.2.3 Recent ASI report(s) relevant to the appeal.
  - 3.2.4 All relevant existing standards or other documents published by the certification scheme.
- 3.3 All parties may be requested to provide additional information, attend meetings in person (at each party's cost) or participate in conference calls as required.
- 3.4 Reasonable efforts shall be made to ensure that ASI and the CAB have an opportunity to put their case to the Appeals Panel – written form is generally preferred.
- 3.5 The Appeals Panel may choose to contact other interested parties or stakeholders to seek additional information.
- 3.6 The Appeals Panel has the right to consult all external experts deemed necessary to reach a sound decision.
- 3.7 The Appeals Panel shall bear in mind the grounds for appeal:
- 3.7.1 Should the grounds for appeal be that ASI has not followed procedures, the Appeals Panel shall limit its investigation to whether ASI accreditation procedure has been followed;
  - 3.7.2 Should the grounds for appeal be that ASI has incorrectly interpreted a requirement of a certification scheme owner then the case shall be referred back to the certification scheme owner for clarification. Any new interpretation by the owner of the certification scheme shall be binding;
  - 3.7.3 Should the grounds for appeal be that ASI has incorrectly interpreted a requirement of its own procedure, ASI Accreditation Committee can be asked to provide an interpretation which shall be binding.
- 3.8 The Appeals Panel chair shall determine the most appropriate method to review the appeal. It may be conducted through document review, by conference call, email or by meeting.
- 3.9 Parties may be asked by the Appeals Panel chair to present oral arguments at the review meeting.
- 3.10 The review shall be held within 60 days of the formation of the Appeals Panel, and the appeal decision be made within 30 days of the Panel's review.
- 3.11 While a consensus approach to decision making is desirable, should this not be possible, the appeal decision shall be made by simple majority vote.
- 3.12 Appeal decision can be as follows:
- 3.12.1 Reject the appeal and maintain ASI accreditation decision.
  - 3.12.2 Accept the appeal and overwrite ASI accreditation decision. In this case the Appeals Panel shall present a clear decision and propose a new accreditation recommendation.

- 3.12.3 Conclude that accreditation and/or certification requirements are unclear and refer the case back to the ASI Accreditation Committee or certification scheme owner for clarification. The Appeals Panel shall not establish new scheme requirements or come-up with a new interpretation of existing scheme requirements.
- 3.13 The Appeals Panel shall present its findings and conclusion within three weeks of the decision taken in a draft report sent to the CAB and the ASI Director for comments.
- 3.14 The Appeals Panel's report shall contain the following:
  - 3.14.1 An analysis of the overall situation, background, precedents, history and any other relevant element taken into account to review the appeal.
  - 3.14.2 An analysis and evaluation of each separate item of the formal appeal to determine the validity, relevance and significance of each point raised based on the exact wording of the relevant requirement.
  - 3.14.3 An analysis and evaluation of each separate ASI accreditation decision and appropriateness of each decision.
- 3.15 Comment period is limited to one week.
- 3.16 The Appeals Panel's decision can only be revisited if new documented evidence is provided. Further communication is recommended if there are significant changes to the report's main conclusion.
- 3.17 The Appeals Panels' final decision shall be presented to all parties through the final Appeals Panel's report. This final report shall be finalised within 30 days of the comment period.
- 3.18 The Appeals Panels' final decision will be binding and no further appeal shall be permitted.
- 3.19 On completion of the appeal all records shall be filed and kept on ASI server.

#### **4.0 COSTS**

- 4.1 The cost of evaluating an appeal shall be determined by ASI.
- 4.2 The Appeals Panel shall determine the apportionment of costs of convening the Appeals Panel.
- 4.3 The cost of evaluating the appeal shall be covered by ASI if the appeal is accepted.
- 4.4 The cost of evaluating the appeal shall be covered by the CAB if the appeal is rejected.
- 4.5 The Appeals Panel may decide that the cost of evaluating the appeal shall be shared equally between ASI and the CAB.

- 4.6 The Appeals Panel's decision regarding the apportionment of the cost of the appeal shall be indicated in the Appeals Panel's final report.

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