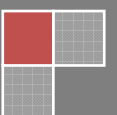


**2013**

# **SADCA APPEALS AND COMPLAINTS PROCEDURE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY COOPERATION ACCREDITATION**

*The purpose of this document is to define how Complaints and Appeals are managed by SADCA*

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This document has been prepared by the SADCA Secretariat.

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## 1. PURPOSE

The purpose of this document is to define how Complaints and Appeals are managed by the Southern African Development Community Cooperation in Accreditation (SADCA), regarding:

- 1.1 Complaints against SADCA;
- 1.2 Complaints against Mutual Recognition Arrangement (MRA) Signatories;
- 1.3 Complaints against SADCA evaluators;
- 1.4 Appeals of adverse decisions.

## 2. COMPLAINTS

### 2.1 Receipt and Processing of Complaints

- 2.1.1. A complaint shall be sent in writing (facsimile, mail and electronic) to the SADCA Secretariat, and shall include all the details of the complaint as well as supporting evidence in order for a thorough investigation to be conducted.
- 2.1.2. When an organisation or person submits a complaint about an Accreditation Body (AB) Member of SADCA, the SADCA Secretariat shall confirm that the complaint has first been submitted to the relevant AB. If it has not, the Secretariat will advise the complainant to pursue that course of action first.
- 2.1.3. Any complaint, whether originating from within SADCA or externally, shall be received by the Secretariat who shall decide on the validity of the complaint prior to logging it.
- 2.1.4. The Secretariat shall within five (5) days acknowledge receipt of the complaint and advise the complainant as to whom the complaint has been referred to.
- 2.1.5. The Secretariat shall refer the complaint to the Executive Committee (EXCO) who will be responsible for investigating the complaint.
- 2.1.6. The complaint will as far as possible be investigated within ninety (90) days.
- 2.1.7. Any EXCO Member delegated to investigate the complaint shall declare any conflict of interest and where appropriate, stand down from investigating the complaint.

### 2.2 Complaints Related to SADCA

- 2.2.1 The SADCA EXCO shall discuss the complaint and decide on how to proceed with complaints concerning breaches of the SADCA Governing Documents, Bylaws and Procedures. This may entail any of the following:
  - 2.2.1.1 EXCO enquiry involving the parties concerned.
  - 2.2.1.2 When applicable, refer to the appropriate SADCA Committee for a ruling on any point of specific principle, to enable a proper response to be made by the EXCO, SADCA General Assembly and/or SADCA MRA Council.
  - 2.2.1.3 Other action as deemed appropriate by the SADCA EXCO.



- 2.2.2 If resolution of the complaint leads to a change in policy or a clarification of a policy, the change must go through the normal procedures for policy changes and the final decision on the new or revised policy shall be concluded in accordance with the SADCA Governing Documents, Bylaws, and/or Procedures for Establishing and Maintaining Mutual Recognition Arrangements between Accreditation Bodies.

### **2.3 Complaints Related to MRA Signatories and SADCA Evaluators**

- 2.3.1 Complaints concerning SADCA MRA Signatories, SADCA MRA activities and/or SADCA MRA Peer Evaluators shall be sent to the Chair of the SADCA MRA Council, who shall consult as appropriate with the MRA Committee Chair on how to proceed. When the complaint involves the body represented by the MRA Council Chair, the complaint shall be referred to the SADCA Chair and the SADCA EXCO.
- 2.3.2 The parties of the complaint shall be advised of any opportunity to participate in any hearing of a complaint where appropriate, in order to clarify issues and establish the relevant facts.
- 2.3.3 Any EXCO Member delegated to investigate the complaint shall declare any conflict of interest and where appropriate, recuse themselves.
- 2.3.4 If resolution of the complaint leads to a change in policy or a clarification of a policy, the change must go through the normal procedures for document changes and the final decision on the new or revised policy shall be concluded in accordance with the SADCA Governing Documents, Bylaws, and/or Procedures for Establishing and Maintaining Mutual Recognition Arrangements between Accreditation Bodies.

### **3. COMPLAINTS BETWEEN SADCA MEMBERS**

- 3.1 Complaints arising between SADCA Members shall be settled between themselves.
- 3.2 If the parties fail to come to an agreement or if confirmation is needed whether the agreement is in line with SADCA Procedures, the issue shall be referred to the SADCA Secretariat for further processing by the SADCA EXCO.
- 3.3 If resolution of the complaint leads to a change in policy or a clarification of a policy, the change must go through the normal procedures for policy changes and the final decision on the new or revised policy shall be concluded in accordance with the SADCA Governing Documents, Bylaws, and/or Procedures for Establishing and Maintaining Mutual Recognition Arrangements between Accreditation Bodies.

### **4. APPEALS AGAINST ADVERSE DECISIONS**

#### **Receipt and Registration of Appeals**

- 4.1 Appeals are normally lodged as a result of a disagreement with an adverse decision made by SADCA, such as:
- 4.1.1 Refusal to accept an application;
- 4.1.2 Refusal to proceed with a peer evaluation;
- 4.1.3 Findings that may be raised;
- 4.1.4. Decision to withdraw or suspend Membership or Arrangement status;



- 4.2 An appeal shall be sent to the SADCA Secretariat in writing, within 30 days of notification of the decision of the General Assembly or MRA Council, and the appeal should include:
  - 4.2.1 The details of the matter of the appeal;
  - 4.2.2 The basis for the appellant's position;
  - 4.2.3 The remedy sought, and
  - 4.2.4 The name and title of the person who will represent the appellant and of any other accompanying person(s).
- 4.3 General Assembly or MRA Council decisions will remain in effect until the outcome of the appeal is resolved.
- 4.4 If the appeal cannot be resolved within 90 days then the appeal shall be postponed until the next session of the General Assembly.