

**2020**

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

**Publication reference: P002-02**





### ***Authorship***

This document has been prepared by the SADCA Secretariat.

### ***Classification***

This document is classified as an SADCA Procedure.

### ***Authorisation***

Issue Number: 02  
Prepared by: SADCA Secretariat  
Approved by: General Assembly  
Issue and application date: 27 April 2020

### ***Official language***

The text may be translated into other languages as required. The English language version remains the definitive version.

### ***Copyright***

The copyright of this text is held by SADCA and the text may not be copied for resale.

### ***Further information***

For further information about this publication, contact the SADCA Secretariat on:

SADCA Secretariat  
Libertas Office Park  
Cnr Libertas and Highway Street  
Equestria, Pretoria  
0184  
South Africa  
Tel: +27 12 740 8537  
Email: [fikiles@sanas.co.za](mailto:fikiles@sanas.co.za)



## CONTENTS

1. PURPOSE.....	4
2. DEFINITIONS .....	4
3. COMPLAINTS AND APPEALS .....	5
4. COMPLAINTS AGAINST SADCA ACTIVITIES .....	6
5. COMPLAINTS AGAINST A SADCA MEMBER ACCREDITATION BODY.....	6
6. HANDLING OF APPEALS.....	7
7. RECOMMENDATION AND DECISION .....	8
8. CONFIDENTIALITY AND CONFLICT OF INTEREST .....	8
ANNEX 1: AMENDMENT RECORD.....	9



## 1. PURPOSE

- 1.1 The purpose of this procedure is to describe the responsibilities and actions of the SADCA Chair, Secretariat, Executive Committee (EXCO), Mutual Recognition Arrangement (MRA) Council, and SADCA Members with regards to the handling and resolution of complaints and appeals, to ensure that matters related to the Arrangements are settled objectively and impartially.
- 1.2 SADCA considers all complaints and appeals as opportunities to improve its services and to implement preventative and corrective actions.
- 1.3 SADCA is committed to monitor and ensure continuous improvement on all areas of its activities.

## 2. DEFINITIONS

The term and definitions used in this procedure are based on those in ISO/IEC 17011 and ISO/IEC 17000.

### 2.1. *Complaint*

An expression of dissatisfaction, other than an appeal, submitted in writing by any SADCA Member or their accredited CAB's, which is related to SADCA's activities or the activities of SADCA Members, where a response is expected.

### 2.2 *Appeal*

A request by an Accreditation Body (AB) for reconsideration of any decision made by SADCA related to:

- 2.2.1 Its Membership;
- 2.2.2 The decisions made by the SADCA General Assembly (GA) or the EXCO, where the appellant considers such decisions were made in breach of SADCA's Procedures; or
- 2.2.3 Any decision made by the SADCA MRA Council related to any current or future Signatory status of the MRA.

### 2.3 *Complainant*

Any person or organisation that submits a complaint.

### 2.4 *Appellant*

Any person or organisation that submits an appeal.

### 2.5 *Complaints Working Group (CWG)*

A group made up of a Convener and one or more people that are designated by the SADCA Chair and are SADCA Members.



## 2.6 *Appeals Panel*

A group comprising two impartial representatives of SADCA Arrangement members and one SADCA evaluator, appointed by the SADCA Chair in conjunction with the EXCO, to investigate the appeal.

## 3. COMPLAINTS AND APPEALS

- 3.1 All complaints and appeals must be submitted in writing (facsimile, mail or electronic) in English and addressed to the SADCA Chair, with a copy to the SADCA Secretariat on SADCA form **F020 Record of Complaint or Appeal**, within 30 days after the decision was taken, or the issue that lead to the complaint.
- 3.2 If any SADCA Member receives a complaint in writing against SADCA or an appeal against a decision made by SADCA, they shall immediately submit it to the SADCA Secretariat.
- 3.3 The SADCA Chair, in consultation with the EXCO, is responsible for verifying the validity of a complaint or appeal before registering it for investigation. They are also responsible for following up on the progress of complaint and appeal investigations. The Chair may delegate his/her responsibility at any time, particularly where any conflict of interest exists, to the Vice-Chair or any other member of the EXCO.
- 3.4 The Secretariat shall acknowledge receipt of the complaint or appeal in writing within five (5) working days of receipt. Where applicable, the Secretariat shall advise the complainant or appellant, with clear reasons, if the complaint or appeal does not comply with the requirements of this procedure or was found to be invalid.
- 3.5 The complainant or appellant and SADCA are responsible for their own costs arising from the investigation of a complaint or resolution of an appeal, regardless of the outcome of the investigation.
- 3.6 The SADCA Secretariat shall notify the complainant or appellant regarding the final result of the investigation within five (5) working days from receiving the final results and maintain confidentiality at all times.
- 3.7 The SADCA Secretariat shall keep detailed and complete records of the receipt, handling and results of all complaints and appeals.
- 3.8 The Secretariat shall submit a summary of all the complaints and appeals addressed at each meeting of the EXCO, and the SADCA Chair or his/her delegate shall provide a report of all the complaints and appeals at each meeting of the GA.
- 3.9 A period of six (6) months is desirable for the resolution of complaints and appeals, however, this period may be extended at the discretion of the Complaints Working Group (CWG) or Appeals Panel, and reasons for the extension are to be provided to the EXCO.
- 3.10 The SADCA Secretariat shall keep the complainant or appellant informed throughout the complaints or appeals resolution process.



#### **4. COMPLAINTS AGAINST SADCA ACTIVITIES**

- 4.1 The Chair, in consultation with the EXCO, shall designate a CWG with a convener who are independent of the subject of the complaint, to investigate complaints regarding the activities of SADCA.
- 4.2 The complainant may object to the composition of the CWG in writing, should there be a perceived or actual conflict of interest, in which case the Chair shall designate a replacement.
- 4.3 The CWG shall carry out an investigation of the complaint and seek a solution to the issues presented. The CWG is responsible to ensure that the investigation is carried out in a timely manner. Where necessary, the CWG and the complainant shall communicate directly.
- 4.4 The CWG Convener shall keep the SADCA Chair and Secretariat informed on the progress regarding the handling of the complaint, except in cases where the complaint involves the Chair and Secretariat.
- 4.5 Once the issue has been investigated, the CWG Convener shall submit a written report regarding the complaint to the SADCA Chair with a copy to the Secretariat, indicating if there was a basis for the complaint or not, the investigation that was undertaken, as well as the recommendations of the CWG on how to resolve the complaint.
- 4.6 The SADCA Chair in consultation with the EXCO shall decide if the recommendations of the CWG for the resolution of the complaint are adequate. Where the recommendations are not adequate, the EXCO may:
  - 4.6.1 Decide on how to resolve the complaint; or
  - 4.6.2 Request the CWG to review its initial recommendations and consider any comments provided by the EXCO.
- 4.7 The process detailed in clauses 4.5 and 4.6 will be followed until the CWG makes a final recommendation for the approval of the EXCO.
- 4.8 The final results of the complaint shall be communicated to the complainant by the SADCA Secretariat, who shall maintain and safeguard all records related to the complaint.

#### **5. COMPLAINTS AGAINST A SADCA MEMBER ACCREDITATION BODY**

- 5.1 Where a complaint is submitted to the SADCA Secretariat by a third party (e.g. conformity assessment body) regarding the activities of an SADCA AB Member, SADCA shall ensure that the complaint has been handled by the SADCA AB Member against whom the complaint is lodged. This is to ensure that the AB has the first opportunity to investigate complaints raised against them, and in accordance with the AB's own complaints procedure.
- 5.2 When a complaint is received, the SADCA Secretariat shall ask the complainant to provide evidence that the complaint was submitted to the AB and the AB had sufficient time to address the complaint. Where this was not done, the Secretariat shall advise the complainant to address the complaint directly with the AB.



- 5.3 Where the complaint was not addressed, or not satisfactorily addressed by the AB, the process to ensue thereafter will be as documented in Clause 4 of this Procedure.

## 6. HANDLING OF APPEALS

- 6.1 When an applicant or SADCA member does not agree with a decision made by SADCA, it may appeal in writing to the SADCA Chair, with a copy to the Secretariat within 30 days from notification of the decision.
- 6.2 After verifying the validity of the appeal, the SADCA Chair will, in conjunction with the EXCO, appoint an Appeals Panel comprising two impartial representatives of SADCA Arrangement members and one SADCA evaluator to investigate the appeal. The Appeals Panel shall collectively have the appropriate competence to carry out the investigation of the appeal.
- 6.3 No member of the Appeals Panel shall have been involved in the evaluation team that evaluated the appellant nor have been involved as part of the TFG or decision making process, or have a direct interest in the subject of the appeal, in any form. The SADCA chair shall ensure that the composition of the Appeals Panel satisfies the requirements of objectivity and impartiality and no conflict of interests exist. The Appeals Panel should be appointed within 30 days after authentication of the appeal and the names of the Appeals Panel communicated to the appellant.
- 6.4 The appellant has the right to object to the appointment of any member of the Appeals Panel in writing, should there be a perceived or actual conflict of interest, in which case the Chair, in conjunction with the EXCO, shall make a decision on the validity of any objection by the appellant to an appointment. That decision shall be final.
- 6.5 The appeal shall be considered in order to determine if the SADCA decision was carried out in an appropriate and competent manner, in accordance with the relevant SADCA policies and procedures on a case by case basis.
- 6.6 The information regarding the actions, responses and behaviour of the appellant and SADCA shall be taken into consideration during the investigation.
- 6.7 During the course of an accreditation body's appeal against suspension or withdrawal of its signatory status, the decision shall be maintained until the results of the appeals investigation are accepted by the EXCO.
- 6.8 The appellant may withdraw the appeal at any point during the process, however in such cases, a future appeal by the same appellant for the same reasons will not be considered.
- 6.9 The Appeals Panel may carry out an investigation as he/she deems appropriate and is responsible to obtain additional information that requires further investigation.
- 6.10 The appellant may have an opportunity to present its case with supporting documentary evidence, which shall be submitted 10 working days before the mutually agreed meeting/review date.
- 6.11 The Appeals Panel may call on witnesses or experts to provide advice during the investigation of the appeal.



## 7. RECOMMENDATION AND DECISION

- 7.1 After considering all evidence, the Appeals Panel shall decide on its recommendation on the appeal within 6 months after setting up the Panel and inform the SADCA Chair, with a copy to the SADCA Secretariat, in writing with supporting reasons, of the recommendation not later than five (5) business days after the date of decision.
- 7.2 The SADCA Chair shall forward the recommendation to the EXCO for a decision, or where the decision is regarding a signatory status, to the MRA Council for a decision.
- 7.3 That decision shall be final and communicated to the appellant.

## 8. CONFIDENTIALITY AND CONFLICT OF INTEREST

- 8.1 Any individuals nominated as Members or Conveners of the CWG or Appeals Panel, or who are involved in the complaints or appeal process, shall declare any actual or perceived conflicts of interest or confidentiality issues with the matters presented, and shall excuse themselves from any discussions or receipt of information regarding the complaint or appeal in question.
- 8.2 All Members of the CWG and Appeals Panel shall sign the **SADCA F006 Declaration of Confidentiality and Impartiality** before commencing with any investigations.
- 8.3 All individuals involved in the complaints or appeals process shall take necessary measures to preserve the confidentiality of information obtained during the investigation.
- 8.4 A complainant may request to remain anonymous to other parties involved in the investigation, and appropriate steps shall be taken to preserve this confidentiality.





## ANNEX 1: AMENDMENT RECORD

Section	Change
All	Extensive changes to entire document