

P07 Appeals Management Procedure

1. Purpose

Quality Innovation Performance Certifications Pty Ltd (QIP Certifications) may be unable, from time to time, to resolve a client complaint. This procedure describes the process of appeal and the process to escalate the complaint to the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) as the accrediting body.

2. Scope

This procedure covers all appeals raised to QIP Certifications by any means i.e. written, verbal, email etc.

3. Referenced Documents

M01	Quality Manual
PY10	Complaints and Appeals Policy
P01	Control of Documents
P02	Control of Records
P22	Managing Unreasonable Conduct Procedure
P23	Public Interest Disclosure
P24	Complaints Management Procedure
F28	Complaints Report
F29	Complaints and Appeals Register

Table 1–Referenced Documents

4. Workplace Health and Safety

1	Stressors related to managing complaints and appeals
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Table 2–Workplace Health and Safety

5. Terms and Definitions

AP	Appeals Panel
Appeal	A formal request by a client for review of the outcome of a complaint investigation.
Certification Decision Maker	A Person authorised by QIP Certifications Pty Ltd to make a certification decision.
Complaint	A formal expression of dissatisfaction with QIP Certifications personnel, contractors, services, decisions and/or clients. Note: <ul style="list-style-type: none">• A minor issue dealt with and resolved through the daily working processes is not required to be actioned through this procedure;• AGPAL Group Legal Counsel must be consulted in any case where the legal representative of a 2nd or 3rd Party raises a complaint, appeal or feedback.

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Complaint Management System	All policies, procedures, practices, staff, hardware and software used by us in the management of complaints and appeals.
CO	Complaints officer delegation appointed by the EM
Decision	The result of a review/investigation of the complaint or appeal.
Dispute	An unresolved complaint escalated to the Board approved independent Appeals Panel.
EM	Executive Manager
Public Interest Disclosure	A report about wrong doing made by a public official in Queensland that meets the requirements of the Queensland Public Interest Disclosures Act 2010 (see Public Interest Disclosure procedure).
QIP Certifications	<i>Quality Innovation Performance Certifications Pty Ltd</i>
QMR	Quality Management Representative

Table 3–Terms and Definitions

6. Quality Management Representative

6.1. Quality Management Representative Responsibility

The Quality Management Representative (QMR) is responsible for receiving appeals from clients and other parties. The QMR in consultation with office staff and auditors is responsible for handling, validating and the analysis of the appeal to the satisfaction of the clients / other parties.

6.2. Overall Responsibility

The overall responsibility to execute this procedure is provided below:

Activity	Responsibility
Completion and submission of all appeals records and outcomes into the continuous improvement register and records management system	QMR
Handling of appeals and submission to the Appeals Panel (AP)	EM
Appeal review, analysis and decision	Board and EM

Table 4–Appeals and Complaints Responsibility

7. Appealable and Non-appealable certification decisions

<p>Appealable decisions</p>	<p>The following decisions are appealable:</p> <ul style="list-style-type: none"> • Reductions in scope, suspension, withdrawal and cancellation of certification based on: <ul style="list-style-type: none"> ○ Audit evidence and assessment findings; ○ Any collusive or coercive practices or offer or request for inducements by staff or contractors in relation to audit or certification services; ○ Engaging in any conduct that compromises the ability of QIP Certifications to provide independent assessment; ○ Failing to provide access and cooperation for the purpose of gathering evidence and assessment; ○ Failure to pay audit fees; ○ A prosecution proven against QIP Certifications in a court or tribunal for a serious breach of laws governing criminal conduct, corporations or companies, competition or consumer protection, or misleading or deceptive conduct; ○ A prosecution proven against a person who has control of the management of QIP Certifications in a court or tribunal for a breach of laws governing serious criminal conduct.
<p>Non-appealable decisions</p>	<p>The following decisions are not appealable:</p> <ul style="list-style-type: none"> • A decision to cancel a clients’ certification has been made following a valid withdrawal of certification by another certification body; • A decision to cancel certification following the loss of the clients’ valid recognition by the scheme owner (Government department or other); • A prosecution proven against the client organisation or agency in a court or tribunal for a serious breach of laws governing criminal conduct, corporations or companies, competition or consumer protection, or misleading or deceptive conduct; • A prosecution proven against a person who has control of the management of the client organisation or agency in a court or tribunal for a breach of laws governing serious criminal conduct.

Table 5-Appealable and Non-appealable certification decisions

7.1. Conduct of Appeals

The following process will guide the conduct of Appeals:

- The complainant has 30 days from the date of the complaint decision to notify the Executive Manager (EM) of QIP Certifications in written form of their intent to appeal a decision;
- The complainant will be provided with a copy of this procedure immediately the appeal request is received;
- The complainant has sole responsibility to prepare the appeal;
- The complainant will provide QIP Certifications with:
 - The decision to be appealed;
 - The basis in fact for the appeal;
 - All supporting documentation required to substantiate the facts of the appeal.
- The EM and Board Chair will review the application for appeal and formally advise the complainant in writing of the grounds for dismissal of the appeal if not valid, or acceptance of the appeal if valid;
- Information on the complainants' right to escalate the Appeal to an external body will be provided with the complainant by the EM in initial formal acknowledgement of the appeal;
- The QIP Certifications Board will, within 10 working days, appoint three fit and proper persons to make up the Appeals Panel (AP);
- The complainant will be notified within five working days of the composition of the AP and give written evidence of impartiality and no conflicts of interest with either party to the appeal;
- The complainant has the right to formally apply, and to seek, representation to present their case;
- The complainant and the AP have the right to call witnesses, provided the names and addresses of the witnesses are supplied in writing, to the AP or complainant, not later than five days before the date of the AP hearing;
- The AP will make a decision on the appeal within three months of the date the appeal is validated by the Board and the EM;
- The judgements of the AP are considered binding;
- In discretionary and exceptional circumstances a decision may be made by the EM to refer the AP decision to the AGPAL Group Board to refer to the legal team to get an opinion or a decision review;
- The judgement of the appeal will be signed by all members of the AP and a copy sent to the board of QIP Certifications. The original will be kept in a secure file in the QIP Certifications drive
- Any unreasonable conduct by the complainant will be addressed with reference to the P22 Managing Unreasonable Conduct Procedure;
- An extension of time may only be granted by application to the Board Chair of QIP Certifications;
- In the case of escalation of the appeal, QIP Certifications will provide JAS ANZ and/or the Department of Communities with all records of the initial complaint, the appeal process and any investigation evidence obtained at any stage of the complaints or appeals processes;
- All records will be shared in line with the QIP Certifications Privacy policy and procedure;
- Submission, investigation and the decision on appeals shall not result in any discrimination against the complainant by QIP Certifications;
- QIP Certifications reserves the right to determine if any reasonable costs or out-of-pocket expenses associated with an unsuccessful appeal will be borne by the complainant.

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7.2. Reporting and Finalisation of Appeals

Reporting and finalisation of appeals will follow the reporting and finalisation of complaints, as outlined in the *P25 Complaints Management Procedure*.

In the event that a client is unsatisfied with the outcome of an appeal the person managing the appeal shall advise the client of the alternate avenues to appeals resolution including but not limited to:

- JAS-ANZ;
- Complaints Resolution and Referral Service

8. Revision schedule

Revision	Effective Date	Section	Change Description
1	11/05/2018	All	Initial document release.
2	19/11/2018	All	Revised to meet Complaints and Appeals Policy
3	27/11/2018	All	Complaints and Appeals Split into two separate procedures
4	7/08/2019	All	Additional wording added in response to JAS-ANZ Document review
5	7/8/2020	Footer	No Changes – Just roles