

	<h1 style="margin: 0;">MSA Certification</h1>		
	<h2 style="margin: 0;">Appeals and Complaints Procedure</h2>		
Prepared by	Mr. George Cutajar		
Approved by	Ing. Francis Farrugia		
Document Reference	MSAC-P06	Issue Date	2006-10-05
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### 1. Scope and Responsibilities

This procedure contains guidelines concerning the responsibilities and actions of MSA Certification in relation to the investigation of disputes, complaints and appeals. The Head of Certification is responsible for the review and maintenance of this procedure.

### 2. Related Documents

### 3. Procedure

#### 3.1. Definition

- 3.1.1. **Complaints** relate to disagreements on the quality of service offered to clients and to matters of difference of opinion between MSA Certification and third parties..
- 3.1.2. **Appeals** are disagreements with the recommendations of the staff or external auditors of MSA Certification or concerning the interpretation of MSA Certification Regulations or in connection with the operation of the MSA Certification schemes.

A Complaints and Appeals file (located on MSA Certification Server) is maintained by the Head of MSA Certification on each complaint and appeal received, to ensure timely and appropriate action in dealing with the complaint and final close-out.

#### 3.2. Conditions for Acceptance of a Complaint or an Appeal

This procedure should only be operated when a documented submission is made to MSA clearly indicating that a Complaint or Appeal is being made. Such a documented submission must include the name and address of the complainant/appellant.

This procedure should not be followed for complaints received without documented authentication, such as verbal complaints where the complainant declines to confirm in writing, anonymous written communications, sources apparently not involved with the complaint and hearsay.

#### 3.3. Handling of Complaints

When a Complaint is received by any staff member, the member of staff or external auditor involved shall immediately inform the Head of MSA Certification, or in his absence the Quality Manager.

The Head of MSA Certification shall confirm whether the complaint relates to certification activities and shall designate a professional member of staff of MSA Certification, or of MSA if appropriate, who is independent of the matter in question, to deal with it. When MSA Certification receives a complaint about a certified client, it shall inform the certified client about this complaint.

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The Designated Officer shall endeavour to establish clearly and without delay the substance of the complaint. The Officer shall endeavour to obtain in writing, and to authenticate as far as possible, all claims or statements made by the complainant or other parties concerned. No investigation of a complaint shall be pursued merely on the basis of hearsay.

Following authentication of the complaint, the Designated Officer shall acknowledge forthwith in writing the receipt of the complaint, and shall proceed with all urgency to investigate and resolve the immediate issue involved. In particular the Designated Officer shall establish as clearly as possible whether accepted MSA Certification procedures have been scrupulously followed, and whether all decisions taken in dealings with the organisation properly reflect stated MSA Certification policy and requirements.

When the immediate issue has been investigated as thoroughly as is practical, the Designated Officer shall submit a written report on the complaint to the Head of MSA Certification as soon as possible. Where grounds have been found for MSA Certification to reconsider its treatment of the complainant, the report shall make specific recommendations on the actions to be taken.

On receipt of the report and any recommendations, the Head of MSA Certification shall formally notify the complainant as soon as possible (in terms consistent with any need to preserve confidentiality) of the result of MSA's investigation of the complaint, and shall put in motion all necessary steps to implement the appropriate recommendations.

The Designated Officer shall place on the Complaints File a complete record of the receipt, handling and outcome of any complaint. The facts of the complaint, the report and recommendations, and any MSA Certification decisions shall form part of the record.

The staff of MSA Certification shall take all necessary measures to preserve the confidentiality of information obtained during the investigation of a complaint. In particular, any reasonable request for preservation of anonymity or confidentiality expressed by those making claims or statements in connection with a complaint shall be respected.

In the absence of an immediate resolution to the relevant issues the services of an independent and mutually agreed arbitrator may be retained.

Following resolution of the issue of immediate concern the Designated Officer shall submit a written report to the Head of MSA Certification making specific recommendations with respect to remedial action e.g. increased surveillance, reduction, suspension or termination of certification.

On receipt of the report from the Designated Officer, the Head of MSA Certification may, if required, modify the recommendations (but not the factual report). The Head of MSA Certification shall formally notify the parties in writing as soon as possible (in terms consistent with any need for confidentiality) of the outcome of the investigation and the proposed MSA Certification actions to formally end the complaints-handling process. As per rendering complaints public, MSA Certification shall determine whether to make complaints public and to what extent they should be made public together with the client and the complainant.

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The Head of MSA Certification and the Quality Manager shall review the outcome of complaints to identify any improvements or modification that may be appropriate to implement in the Quality System of MSA Certification. Complaints shall be followed in Management Review Meetings.

### 3.4. Appeals

All appeals will initially be validated and investigated by the Certification Board acting with the advice of any appropriate specialist it may deem to be necessary. Should the organisation making the appeal wish to have a representative present during consideration of their appeal, then written notification to this effect shall be submitted together with the appeal.

The organisation making the appeal will be given at least two weeks written notice of the date on which the appeal will be considered.

Appeals against the decisions of the Certification Board may be accepted by the Board. However, if not accepted by the Certification Board they will be referred to a specially established Appeals Committee (an independent body) by the Head of MSA Certification. The Appeals Committee will be convened and appointed only when required to deal with a specific appeal. The membership will comprise three individuals who are completely independent of the matter under appeal and who collectively have the necessary technical expertise, management system competence, legal knowledge and knowledge of the MSA Quality System to competently come to a recommendation on the matter under appeal.

The decision of the Appeal Committee shall be binding on the Certification Board and the Head of MSA Certification shall inform the Certification Committee and the complainant, as fully as confidentiality considerations permit, of the final outcome of the complaint.

The Head of MSA Certification shall retain a complete record of the receipt, investigation, processing and outcome of each appeal, including the report and decision, on the MSA Complaints and Appeals file.

All necessary measures shall be taken to preserve the confidentiality of information obtained during the investigation of a complaint.

The Head of MSA Certification and the Quality Manager shall review the outcome of each appeal to identify any improvements or modification that may be appropriate to implement in the Quality System of MSA Certification. Complaints shall be followed in Management Review Meetings.

**END**