PROCEDURE FOR APPEALS, COMPLAINTS AND DISPUTES

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AMENDMENTS

No.	Date of amendment	The item amended

1.0 INTRODUCTION

During the course of an assessment or any accreditation activity, various complaints, disputes and appeals from clients/laboratories may come about with regards to the accreditation service being provided by the PNGLAS. It is important that these disagreements expressed by the clients are acknowledged, understood, recorded in detail and dealt with accordingly by the relevant authority(ies).

In respect to an accreditation body, when it comes to laboratories dissatisfaction with the outcomes of an accreditation decision, the laboratory has the right to lodge a formal appeal to the relevant persons/authorities dealing with this issue. But it must follow due process.

2.0 SCOPE

This document details the procedure to be followed for appeals and resolution process for appeals by an accredited laboratory against decisions made by the PNGLAS in relation to the accreditation decision.

It also applies to an appeal,complaint or dispute by an applicant laboratory against the PNGLAS's decision on the accreditation process.

This procedure also applies to complaints by laboratories 'clients against performance or conduct of laboratories and test results. Informal complaints including conflict between the PNGLAS accredited laboratories is also resolved using this procedure.

3.0 NORMATIVE REFERENCE

Documents indicated in this chapter are indispensable for the application of this procedure. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ISO/IEC 17000 Conformity assessment – Vocabulary and general principles

ISO/IEC 17011:2017 Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies (ISO/IEC 17011:2017)

4.0 RESPONSIBILITY AND AUTHORITY

The Executive Manager or his/her designee is responsible for recording and acknowledging receipt of all complaints, appeals, disputes and for referring the complaints, appeals to the relevant personnel or authorities. The Executive Manager is responsible for classifying complaints as either:

- formal
- informal
- conflicts between PNGLAS accredited laboratories

He/she is also responsible for assigning resolution of the complaint, appeals and disputes to relevant staff or body(ies).

5.0 TERMS, ABBREVIATIONS AND DEFINITIONS

For the purpose of this document, the relevant definitions of ISO 9000:2000 and the following definitions apply.

NISIT Governing Council: A Board appointed by the National Executive Council (NEC) that set policies of the National Institute of Standards and Industrial Technology, manage and approve NISIT works programs, operations and finances.

Papua New Guinea Laboratory Accreditation Scheme (PNGLAS): The Accreditation body which conducts and administers the laboratory accreditation system of Papua New Guinea.

Testing Laboratory Accreditation Board (TLAB): A board approved by the NISIT Council and is responsible for reviewing draft and/or published PNGLAS accreditation criteria, rules, technical documents and operational procedures including criteria and procedures for assessment of laboratories, and criteria and procedures for the granting, suspension or withdrawal of accreditation.

Appeal Panel: A group of people appointed by the TLAB Chairman to consider the appeals received

and make recommendations to the board on the action(s) to be taken.

Appeal: A formal expression of dissatisfaction or disagreement with a decision(s) or measure of PNGLAS that requires their review.

Complaint: A formal expression of dissatisfaction with some matter related to the inadequacy in the operation of PNGLAS, TLAB, Appeals Panel, an accredited laboratory, PNGLAS assessors or PNGLAS Office staff.

Dispute: Expression of disagreement/dissatisfaction with some matter related to the proceeding of PNGLAS Office which can be settled.

6.0 APPEALS

6.1 Introduction

a) An applicant laboratory may appeal a PNGLAS decision with respect to:
   i. refusal to accept an applicant laboratory's application for accreditation;
   ii. failure to confer accreditation;
   iii. assignment of assessment team;
   iv. or any other issue relevant to the accreditation process.

b) An accredited laboratory may appeal an accreditation decision with respect to:
   i. suspension, withdrawal, or cancellation of accreditation;
   ii. refusal to extend a laboratory's scope of accreditation;
   iii. refusal to renew a laboratory's accreditation;
   iv. an appeal by a third party against a decision to grant accreditation;
   v. assignment of assessment team;
   vi. or any other issue relevant to the accreditation process.

c) A decision to withdraw or suspend accreditation with PNGLAS shall result in immediate suspension of issuing endorsed reports, prior to and during implementation of the appeal process.

d) During the course of a laboratory's appeal against the withdrawal of its existing accreditation by the PNGLAS, the accreditation status shall remain in effect. Even after the appeal process has started, however, the laboratory's clients may decide not to use them to carry out their tests or calibrations.

e) The PNGLAS and TLAB, whichever body is applicable, and the laboratory shall use the alternative conflict resolution process to resolve the appeal. This is a formal three step process of negotiation, mediation and appeal panel hearing.

6.2 How To Lodge an Appeal

a) Within (5) days of receipt of the notice of accreditation decision, the accredited laboratory shall notify PNGLAS in writing of its intention to appeal against the Executive Managers decision(s).

b) An appeal shall be lodged no later than 28 days after notification of the accreditation decision.

c) An appeal shall be lodged in writing with substantiated evidence and addressed to the Executive Manager.

d) The appeal shall include:
   i. the issues being appealed against;
   ii. the basis for the PNGLAS position;
   iii. the remedy sought;
   iv. the name and title of the executive or official who will represent the laboratory in the appeal process.

6.3 Negotiation

a) The PNGLAS/TLAB, whichever body is applicable, and the laboratory (the parties) shall attempt in good faith to resolve the appeal by negotiating between officials who have authority to settle the matter.
b) Within (21) days after delivery of the laboratory's appeal, the representatives of the parties shall meet at a mutually agreed or acceptable time and place, and thereafter as often as they reasonably deem necessary, to attempt to resolve the matter. All reasonable requests for information made by one party to the other will be honoured. If the matter has not been resolved within (60) days of the laboratory's appeal, or if the parties fail to meet within (21) days, either party may initiate mediation of the matter or claim provided hereafter.
c) All negotiations pursuant to this agreement are confidential.

6.4 Mediation

a) In the event that the appeal has not been resolved by negotiation, the parties shall participate in mediation, using a mutually agreed upon mediator. The mediator will not render a decision but will assist the parties in reaching a mutually satisfactory agreement. The parties shall agree to equally split the costs of the mediation.

b) The first mediation session shall commence within (28) days from the agreement to mediate. All mediations are confidential and shall be treated as compromise.

6.5 The Appeals Panel Hearing

a) Should the procedures identified in (5.3) and (5.4) in this document fail to resolve the appeal to the satisfaction of the parties, the parties shall elect to have the appeal resolved through an Appeal Panel hearing. Both parties must agree to submit the appeal to the Appeals Panel through the Executive Manager.

b) The Appeals Panel shall be appointed by the TLAB Chairman and shall consist of three members, one of which will be appointed as Chairperson. No member of the Appeals Panel shall be from PNGLAS or have a direct interest in the subject of the appeal, in any form. The Appeal Panel members may or may not be NISIT Council or TLAB members.

c) The appeal committee shall be constituted as follows:
    (i) one expert in the accreditation procedures particular to the PNGLAS;
    (ii) two other persons considered to be expert in the discipline relevant to the appellant.
d) The TLAB Chairman shall provide a secretary who is a non-voting member of the Appeals Panel.

6.6 Procedure

a) Immediately after receipt of the appeal, the TLAB Chairman shall appoint the Appeal Panel to investigate the appeal and also assign proceedings of the Appeals Panel. The selection or appointment process shall ensure that the Appeals Panel members do not have a conflict of interest. All efforts shall be made to ensure that the panel members are acceptable to all parties concerned.

b) The Appeals Panel has the right to hear witnesses, to consult experts and to take all measures and make all provisions, including the convening of one or more sessions, deemed necessary for a sound judgment.

c) The employees of the PNGLAS as well as the external experts involved in the particular assessment are obliged without prejudice:
    (i) to their declaration of secrecy towards all others.
    (ii) to provide the members of the Appeals Panel with the necessary information, if and when required.
d) The session will be held within 21 days after receipt of the appeal. The appellant will be given a minimum of 5 working days notice of the time and location of the meeting of the Appeals

Panel.

e) Both the appellant and the Appeals Panel have the right to avail themselves of assistance from witnesses, provided the names and addresses of the witnesses have been supplied in writing, to the Appeals Panel or to the appellant, whatever the case, no later than 5 working days before the date of the session.

f) The members of the Appeals Panel are under obligation of secrecy concerning anything that might come to their knowledge during their function with regard to the person, laboratory or the personal or business situation of the appellant.

6.7 Judgment

a) The members of the Appeals Panel shall judge in all fairness. The members are however, bound by the rules of this document. The Appeals Panel decides on the appeal by a majority of votes and informs the parties concerned through the Executive Manager, in writing, of the decision, no later than 10 working days after the date of judgment. The decision of the Appeals Panel is considered final and binding.

b) The Appeals Panel is obliged to make a decision on the appeal within 2 months (60 days) after the date the appeal has been lodged with the Executive Manager. Decisions may be referredto the TLAB for final decision in exceptional circumstances. Extension of time may only be granted by the TLAB, not exceeding 2 times, each at a maximum of 15 working days.

c) The decision of the Appeals Panel shall be signed by all members of the Appeals Panel, after which the Executive Manager will notify the appellant. The original will be filed in the PNGLAS Office.

d) The parties shall split the costs of the appeal hearing as follows:

(i) the administrative fees shall be borne equally by the parties;

(ii) witness expenses for either side shall be paid by the party providing the witness;

(iii) each party shall bear the cost of its own travel expenses;

(iv) all other expenses shall be borne equally by the parties.

7.0 COMPLAINTS

7.1 How To Lodge a Complaint

A complaint shall be made in writing to the PNGLAS. A complaint based on hearsay will not be considered. Any complaints, whether originated within the PNGLAS or externally, shall be registered by the Executive Manager or his/her designee in the complaints register. The Executive Manager shall within 14 days acknowledge receipt of the complaint and advise the complainant as to whom the complaint has been referred.

If a complaint is against an accredited laboratory or its clients, the submission shall include sufficient objective evidence to substantiate the claims and allow for the action officer to decide on the appropriate action.

If the complaint is by an accredited laboratory against the PNGLAS, the laboratory shall be asked if it has gone through the PNGLAS complaints/appeals procedure. If not, it shall be advised that it should pursue that course of action first. If it is expected it will take some time to resolve the complaintand the complainant shall be advised of this and shall be given status update reports throughout the process.

7.2 Procedure For Dealing with Formal Complaints

a) After registering the complaint, the Executive Manager shall classify it as formal, informal or a conflict between laboratories.

b) Formal complaints concerning activities of the accredited laboratories shall be forwarded to the Executive Manager or his/her designee, who shall decide how to proceed. When the complaint involves the PNGLAS, the complaint shall be referred to the Executive Manager to

deal with in accordance with section 6.2 (f).

c) The PNGLAS Management shall discuss the complaint and decide how to proceed with formal complaints concerning breaches of the PNGLAS Accreditation Requirements, Rules or other PNGLAS activities. This may entail any of the following:

- enquiry involving the parties concerned;
- referral to TLAB for a ruling on any point of specific principle, to enable a proper response to be made by the PNGLAS; or
- Other action as deemed appropriate by the PNGLAS Management.

d) The parties to the complaint shall be advised of any opportunity to participate in the hearing of a complaint in order to clarify issues and establish the relevant facts. Any person or organization with a special interest in the subject of the complaint shall declare it and, where appropriate, stand down.

e) If resolution of the complaint leads to a change in policy or a clarification of a policy, the final decision on the new or revised policy shall be concluded in accordance with the PNGLAS accreditation procedures, policies, and rules.

f) Complaints involving PNGLAS, its staff or activities; TLAB and AAC members or their activities; Appeals Panel members or its activities; and PNGLAS assessors or their conducts.

(i) Where the complaint involves the PNGLAS, TLAB, AAC, Appeals Panel, the PNGLAS assessors, and the PNGLAS staff directly, the action officer shall investigate and make recommendations to the Executive Manager on all issues relevant. In resolving all the issues, the action officer shall consider both immediate and long-term action required by all parties concerned.

(ii) Once a conclusion is reached, the action officer shall write to the parties concerned advising them of those parts of the outcome that affect them.

7.3 Complaints About Accredited Laboratories

7.3.1 The responsible PNGLAS Staff officer shall, consistent with the PNGLAS policy on confidentiality, formally bring the substance of the complaint and any relevant facts to the notice of the complainee, even where these have already been made known to the complainee by the complainant. The Staff officer will formally request the complainee to respond to the PNGLAS office, within 14 working days, clarifying issues in the complaint and detailing the actions the organization proposes or has to investigate in order to resolve the matter. The action officer should ensure that the complainee considers both the immediate and long term aspects.

7.3.2 The Staff officer shall update the follow-up column of the complaint register. If correspondenceis not received from the complainee within the specified period of time, a reminder will be dispatched. Extended delays shall be brought to the attention of the Executive Manager.

7.3.3 However, once the Staff officer is satisfied that the matter is resolved, he/she shall update the complaints register and pass the file to the Executive Manager to verify actions taken or agree on any proposed action.

7.3.4 Where the action officer cannot resolve the issue, the matter shall be referred to the Executive Manager. Matters that cannot be resolved by the Executive Manager shall be referred to the TLAB or relevant authorities for resolution.

7.3.5 Once a conclusion is reached, the Staff officer shall write to the parties concerned advising them of those parts of the outcome that affect them.

7.4 Conflicts Between PNGLAS Accredited Laboratories

In dealing with conflicts between the PNGLAS laboratories, the Executive Manager shall invite the parties involved to settle the conflict between themselves.

If the parties fail to come to an agreement or if confirmation is needed whether the agreement is in line with the PNGLAS policies and rules, the issue shall be referred to the Executive Manager for further processing.

If such an agreement leads to a change in policy or clarification of a policy, the final decision on the new or revised policy shall be concluded in accordance with the PNGLAS Rules and Procedures.

7.5 Informal Complaints Against PNGLAS From External Sources

It is difficult to have prescriptive rules for the handling of this type of complaint, which could be received initially by anybody within NISIT or PNGLAS, and which could be made against a number of activities, e.g., the work of TLAB, a PNGLAS document. The general rule is that the responsible person within PNGLAS, e.g., the TLAB Chairman, shall be asked to clarify the issue with the complainant. Where the issue cannot be resolved by clarification or if the complaint is of interest to all laboratories the complainant shall be asked to register the complaint with PNGLAS.

8.0 Disputes

Disputes would generally be referred to the PNGLAS Officer by telephone, however, written disputes may also be employed. When a written dispute is received, the Executive Manager shall identify an action officer to resolve the dispute. In the case of a telephone conversation, it will be a matter of judgment on the part of the PNGLAS Staff officers as to whether they are competent to resolve the dispute.

If the individual does not think that they are competent to resolve the dispute, they shall pass it on to a member of staff that they considered competent. When attempting to resolve a dispute, the individual registering the dispute should be made aware that if they are not happy with the answer/advice received, they may ask for the dispute to be referred to the Executive Manager. If the individual registering the dispute is unhappy with the Executive Manager's decision, the individual is to be advised of the complaints and appeals procedures.

Annex 1

PNGLAS Complaints Register Template

Complaint (*nature of complaint*)	From	Received By	Date of Receipt	Classification	Response Date