

## 1. PURPOSE AND SCOPE

- 1.1 This procedure outlines the processes to be followed when any person(s) or organization(s) expresses dissatisfaction to ASI relating to its activities, or the activities of an accredited Conformity Assessment Body (CAB) or a certificate holder (CH).
- 1.2 The scope of the ASI Complaints procedure is to provide a formal process for addressing expressions of dissatisfaction related to:
- 1.2.1 ASI's adherence to ASI Accreditation Requirements (i.e. procedures) or to SOs' Accreditation Requirements; or
  - 1.2.2 The activities of an ASI-accredited CAB or a certified CH, where the Complaint has not already been satisfactorily addressed by the CAB;
  - 1.2.3 ASI personnel's conduct or adherence to ASI's Accreditation Requirements.
- 1.3 The focus of an ASI Complaint process is first and foremost assessing the performance and decision-making of ASI or an ASI-accredited CAB for conformity with applicable procedures and Accreditation Requirements.
- 1.3.1 The Complaint process for 1.2.1-1.2.2 is described in section 9 of this procedure.
  - 1.3.2 The Complaint process for 1.2.3 is described in section 12 of this procedure.
- 1.4 It is not within ASI's Scope of Accreditation to directly issue, suspend, reinstate or terminate a certificate issued by the CAB to a CH.

## 2. CHANGE HISTORY

Version number	Date of approval	Description of changes
1	19/01/2009	First publication
2	26/02/2009	Minor corrections
3	11/08/2010	Minor corrections to reflect changes in organizational structure
4	01/08/2013	Major review: Harmonization with ISO language, ownership of Complaints now lies with the ASI Compliance Manager, summary of Complaint may be published on ASI webpage, ASI reserves the right to invoice for Complaint investigation.
5	05/12/2016	Major review: update procedures to current best practice and align with internal work instruction.
5.1	16/03/2018	Formatting changes; updated Complaint submission process.
5.2	17 January 2019	Logo and name updated; no content changes.
6.0	05 December 2019	Improvement of document structure and layout. Distinction of Complaint types including the respective methods of resolution and escalation options. Additional reasons for rejection of Complaints submissions and Complaints at the appraisal stage. Replacement of term initial response by initial review. Separation of appraisal and investigation sections. Separation publication and expenses sections. Additional description of Direct Dialogue process. Clearer and transparent deadlines.

### 3. TERMS AND DEFINITIONS

- 3.1 All terms and definitions, where not defined below, are provided in the ASI Glossary ([ASI-INF-20-100](#)).
- **Complainant:** A person, organization or a representative of an organization filing a Complaint.
  - **Complaint party:** any person(s) or organization(s) related to the Complaint. The parties shall include, at a minimum, the Complainant named on the Complaint submission form and the organization that is the focus of the Complaint.
  - **Direct Dialogue:** a resolution method proposed by ASI to the Complaint parties when the Complaint is related to ASI personnel. During this process, all parties are invited to present their views, with the goal of conciliation and mutually acceptable resolution.

### 4. EFFECTIVE DATE

- 4.1 This procedure becomes effective on **17 January 2020**.

### 5. ASSOCIATED DOCUMENTATION

5.1	Procedures, Guidelines	ASI-INF-20-100-ASI Glossary ASI-INF-20-124-Fee Schedule ASI-PRO-20-101-Accreditation ASI-PRO-20-103-Appeals ASI-PRO-20-106-Assessment Findings
5.2	Checklists, Templates, etc.	ASI-TPL-20-114-Complaints Submission Form

### 6. COMPLAINT SUBMISSION

- 6.1. To be accepted and classified as a Complaint, a submission shall:
- 6.1.1. be submitted via the online form on the ASI website (<http://www.asi-assurance.org/s/complaints>) or, in the case of technical or accessibility issues, via the ASI Complaints Submission Form ([ASI-TPL-20-114](#)) which can be downloaded from the ASI website;
  - 6.1.2. be submitted in English;
  - 6.1.3. include a list of the allegations and a detailed description of the Complaint;
  - 6.1.4. include evidence to substantiate the Complaint;
  - 6.1.5. include, if the Complaint is related to a CAB or CH, the Complaint submission to the CAB and the final CAB response (as well as the contact person from the CAB);
  - 6.1.6. clearly state the Complainant's contact information.

## 7. INITIAL REVIEW

- 7.1. ASI shall within ten (10) days acknowledge receipt of the Complaint and conduct an initial review of the Complaint submission to determine whether the Complaint is accepted for appraisal or Direct Dialogue. In case the Complaint is rejected, the Complainant will receive a formal notification giving the reasons for not processing the Complaint.
- 7.2. In case of a Complaint about a CAB, ASI shall inform the CAB that a Complaint has been received and that ASI has started an initial review.
- 7.3. ASI shall reject a Complaint in, but not limited to, the following cases:
  - 7.3.1. The Complaint is anonymous. In this case, ASI shall log it as an Incident.
  - 7.3.2. The Complaint is outside of ASI's scope for Complaints handling (see clause 1.2);
  - 7.3.3. The Complainant(s) has not made good faith efforts to address the issue at a more local level. For Complaints about CABs or CHs, the Complaint must first have been directed to the CAB and, in the view of the Complainant, not been satisfactorily addressed and resolved by the CAB after the implementation of the CAB's Complaint process;
  - 7.3.4. The Complaint is solely about events that occurred prior to Certification or Accreditation, or after Withdrawal of Certification or Accreditation;
  - 7.3.5. The Complaint about a CAB is submitted later than six (6) months after the date of rejection or closure of the Complaint by the CAB;
  - 7.3.6. The Complaint about ASI is submitted later than six (6) months after the issue(s) occurred;
  - 7.3.7. There is compelling evidence that the Complaint is frivolous, malicious, trivial, vexatious or generated to gain competitive advantage.

**Note:** In regard to 7.3.3, ASI may accept a Complaint that has not been addressed at a lower level in exceptional circumstances, e.g. in the case of a serious Nonconformity against the CAB with clear evidence or a time-sensitive issue that requires ASI attention, such as the CAB's answer to the Complaint.

- 7.4. Where a Complaint is sent back to the CAB, ASI will not take any further steps to address the Complaint unless, after the CAB's response, the Complainant resubmits their Complaint to ASI with evidence that the CAB's Complaint process and/or resolution is insufficient. ASI reserves the right to record the Complaint as an Incident and to request an update about the progress of the Complaint's handling from the CAB.

**Note:** It is the CAB's responsibility to notify the CH when allegations are made against the CH in the Complaint submission. ASI will not intervene to tell a Complainant to send their Complaint to a CH. CABs are responsible for determining if they or the CH are the appropriate body to address a Complaint at levels below ASI.

- 7.5. Parties concerned by the Complaint will be informed about the outcome of the initial response.

## 8. APPRAISAL

8.1 ASI shall within twenty (20) days of completion of the initial review conduct an appraisal to determine if the Complaint will be formally accepted for investigation. ASI shall send a notice of appraisal:

- 8.1.1 if the Complaint is rejected, indicating the reason(s) for rejecting the Complaint. In such cases, ASI shall close the Complaint and clauses 8.2 onwards shall not be applied;
- 8.1.2 if the Complaint is accepted for investigation, indicating the reason(s) for accepting the Complaint and details on the investigation scope and process.

**Note:** If, during the appraisal, it is confirmed that the the Complaint contains the same allegations as a Complaint that has been investigated and resolved by ASI within the last two (2) years, ASI reserves the right to reject the Complaint, even if has been submitted by a different Complainant. In this case, the Complainant may escalate the Complaint to the SO.

8.2 In the notice of appraisal, ASI shall define the Complaint Parties.

- 8.2.1 If the Complaint is related to actions of ASI, at a minimum the parties shall include the Complainant and ASI.
- 8.2.2 If the Complaint is related to actions of an ASI-accredited CAB, at a minimum the parties shall include the Complainant and the CAB.
- 8.2.3 Other parties pursuant to the Complaint (e.g. CH) shall be afforded the status of Complaint Party at the sole discretion of ASI and based on the nature of the Complaint.

8.3 ASI shall send a confidentiality and non-disclosure agreement (CNDA) to the Complaint Parties, except to the CABs and ASI Personnel, who are already bound by confidentiality through their agreement with ASI.

- 8.3.1 If any Complaint Party chooses not to sign a CNDA with ASI, they shall not have access to the draft and final Complaints investigation reports.
- 8.3.2 ASI reserves the right to close the Complaint if the Complainant does not sign the CNDA.

8.4 During the appraisal process, ASI may request additional information from the CAB and the Complainant if the Complaint submission does not contain sufficient evidence. If the Complainant does not answer within fourteen (14) days from the day ASI requested this information, ASI reserves the right to close the Complaint.

8.5 All Complaint Parties contacted shall commit to treat all personal data contained within any communications or documents shared by ASI as confidential. As such, this data will not be shared with any third party except with explicit consent in writing from ASI in advance. 'Personal Data' shall be understood as defined within the EU General Data Protection Regulation (GDPR) Article 4 - Definitions (<https://gdpr-info.eu/art-4-gdpr/>).

## 9. INVESTIGATION

- 9.1 ASI shall within ninety (90) days of the notice of appraisal conduct an investigation and provide the Complaint Parties with a final Complaint investigation report. In the event of a delay in the investigation, the Complaint Parties shall be informed immediately.
- 9.1.1 In the case that ASI decides to investigate the Complaint during an ASI assessment, the investigation deadlines as established above will be delayed to accommodate the assessment planning and finalization of the Assessment Report. The Complaint Parties will be informed about the date of the Assessment and the expected duration of the delay.
- 9.2 If at any time the Complainant is non-responsive for more than thirty (30) days during the investigation, ASI reserves the right to close the Complaint.
- 9.3 The Complaint investigator appointed by ASI shall be free of conflict of interest (COI).
- 9.4 The Complaint Parties and other parties may be interviewed or otherwise approached to provide evidence to the investigation.
- 9.5 Before the end of the investigation, ASI shall circulate the draft Complaint investigation report to all Complaint Parties for comment, allowing fourteen (14 days) for comments.
- 9.5.1 ASI shall respond to all comments.
- 9.5.2 ASI has the sole discretion to edit or change the report and its recommendations based on the comments.
- 9.5.3 ASI shall not circulate the draft report for comments more than once.
- 9.5.4 ASI encourages each Complaint Party to submit their comments in a transparent manner to all other Complaint Parties
- 9.5.5 ASI may grant an extension of the deadline up to 30 days, if requested. This would delay the original investigation deadlines.
- 9.6 ASI shall circulate a final Complaint investigation report to the Complaint Parties and relevant SO after which the Complaint investigation will be closed.
- 9.7 Throughout the investigation, ASI shall keep the Complaint Parties informed of the progress.
- 9.8 If the relevant SOs operates independent objection, Complaint or Appeal systems, ASI should take the results of these systems into account but shall not be bound by them.
- 9.9 Investigation conclusions
- 9.9.1 In case the Complaint investigation recommends issuing Nonconformities (NCs) against CABs, the NCs shall be issued in accordance with the ASI Assessment Findings Procedure ([ASI-PRO-20-106](#)). This shall be done immediately upon closing the Complaint investigation.
- 9.9.2 In case the Complaint investigation provides recommendations to ASI, ASI shall define appropriate measures to be taken.
- 9.9.3 If the Complainant is not satisfied with the outcome of the ASI Complaint investigation they may escalate the Complaint to the relevant SO.

## 10. PUBLICATION

- 10.1. ASI reserves the right to publish a summary of the final Complaint Investigation report on the ASI website.
- 10.2. In case of publication, the draft public summary will be shared with all Complaint Parties prior to publication so that the parties can confirm, within seven (7) days, that all confidential information has been omitted.
- 10.3. ASI shall also share the final public summary with the relevant SO before publication for informational purposes only.

## 11. EXPENSES

- 11.1. ASI reserves the right to invoice costs and expenses to the CAB for investigations/Assessments resulting in CAB Nonconformity at the ASI daily rate.

## 12. COMPLAINTS ABOUT ASI PERSONNEL

- 12.1. If a person or organization expresses dissatisfaction regarding ASI personnel regarding their conduct or adherence to ASI's ASI Accreditation Requirements (i.e. procedures), ASI shall propose a Direct Dialogue to resolve the diverging viewpoints.
- 12.2. ASI shall send to the Complaint Parties a confidentiality and non-disclosure agreement (CNDA) as described under clause 8.3.
- 12.3. Throughout the Direct Dialogue process, ASI shall keep the Complaint Parties informed of the progress.
- 12.4. If at any time the Complainant is non-responsive for more than thirty (30) days during the process, ASI reserves the right to close the Direct Dialogue process.
- 12.5. The Complaint investigator appointed by ASI shall be free of conflict of interest (COI) to investigate the allegations. The Complaint Parties and other parties will be interviewed to present their views on the allegations.
- 12.6. ASI shall circulate the draft Complaint Direct Dialogue report to all Complaint parties for comment allowing fourteen (14) days for response. This process follows the same stages as described under clause 9.5.
- 12.7. ASI will circulate a final Complaint Direct Dialogue Report to the Complaint parties, after which ASI shall close the Complaint.
- 12.8. In case of recommendations to ASI, ASI shall define appropriate measures.
- 12.9. If the Direct Dialogue is unsuccessful, a Complaint about ASI personnel shall be escalated to the ASI Board of Directors (BOD).

12.10. A Complaint involving the conduct of the ASI Managing Director (MD) shall be forwarded to the Chair of the ASI BOD for appraisal and allocation of action.

12.10.1. The ASI BOD Chair shall determine the most appropriate method to review and to resolve the Complaint to ensure that suitable measures to address it are implemented.

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