

Appeal & Review

Standard Operating Procedure

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Change History:

Version	Author / Reviser	Date approved	Changes
25	Ina Markova	05.03.2010	Added chapt. 3.1: QM Appeal&ReviewSubmission FO has to be completed by the operator; The Certification Department Director will be replaced on the Appeals Committee by the Head of Business Development or by the Head of Human Resources & Legal Services; timeline for final decision; workflow added; chapter numbering reviewed

1 Purpose of this document

All FLO-CERT operators have the right to appeal against any certification decision or request a review of any evaluation decision FLO-CERT may take **if they can bring forward good arguments as outlined in chapter 3.2 of this document**. The present procedure outlines the principles and responsibilities with regards to appeals and requests for reviews.

2 Definitions

➤ Appeals against certification decisions

These are appeals against decisions to deny an application, not to certify an applicant, suspend a certificate or to decertify an operator. Appeals against certification decisions are decided by the Appeals Committee.

➤ Requests for Reviews of evaluation decisions

These are requests to review an evaluation decisions related to detected non-conformities, suggested corrective measures and/or objective evidences required by an evaluation decision. Reviews of evaluation decisions are decided by the Review Committee.

3 Process

3.1 Appeal or Review Request

An operator can appeal any certification decision or request a review of any evaluation decision. The right to an appeal or review lapses 30 calendar days after receipt of the certification decision or evaluation decision. In order to appeal or request a review, the operator has to submit to the Quality Management Representative (QMR) at FLO-CERT a completed **QM Appeal&ReviewSubmission form** via email to **QualityManagement@flo-cert.net**. The form can be either requested from the email mentioned previously or from the analyst responsible for the operator. All requests for an appeal or review received by staff members have to be forwarded directly to the QMR. He/she is responsible for making an initial evaluation of the request to determine if the request contains an actionable review or appeal (either against an evaluation or a certification decision) or if the request should be dealt with according to the complaints procedure (ref. to **GN Complaints SOP**). The responsibilities and activities related to the submissions of appeals and review requests are regulated in **CERT Appeal&Review Submission WI**.

The QMR has to keep a log of all appeals and requests for reviews and to inform the Appeals or Review Committee in order to initiate the process further. If your appeal or review request represents a complete actionable appeal or review, the Appeals or Review Committee will make a decision within 45 days after receipt of the request.

- ❖ Please note that your appeal or request for review will only be accepted if you are able to provide clear and credible information in accordance with point 3.2.

3.1.1 Appeals Committee

The Appeals Committee consists of three members, namely the Technical Services Director, the Central Services Director and the Head of Business Development or the Head of Human Resources & Legal Services. Additionally, the QMR will attend in order to document the process and to moderate the committee meeting.

The Appeals Committee may ask other staff members to represent them or external consultants to make submissions to the Appeals Committee if they deem it necessary.

3.1.2 Review Committee

This Committee has a rotating membership of four Regional Managers. The Manager from the region where the evaluation decision occurred, presents the case to the committee, but does not have a vote when deciding if the review will be granted. The committee makes decisions according to the procedure outlined in this document and all of its proceedings are documented by the QMR.

3.2 Grounds for Appeal against a certification decision or Review of an evaluation decision

All appeals and requests for reviews must contain grounds for the action as well as information and evidence substantiating the grounds.

All appellants must list the grounds on which they base their request for review or appeal. These grounds could include, but are not limited to:

- a) Decisions made based on irrelevant grounds;
- b) Decisions based on irrelevant information, or information for which there is no credible basis. In general, hearsay is treated as information for which there is no credible basis;
- c) Failure to consider relevant information in reaching a decision;
- d) Reasonable apprehension of bias against the appellant;
- e) Unreasonable delay in the decision making process;
- f) Prejudicial procedural irregularities in reaching the decision;
- g) Disputes about facts relevant to the offending decision;
- h) Disputes about interpretations relevant to the offending decision.

3.3 Outcome of an appeal decision or review decision

A decision can have the following outcomes:

- a) **Appeal or review granted:** This means that the decision being appealed against or reviewed will be changed by the certification department as indicated by the decision. The effect of this changed decision is explained to the appellant with the communication of the decision.
- b) **Appeal or review denied:** This means that the decision being appealed against or reviewed is confirmed and will not be changed.

3.3.1 Appeals against decisions of the Review Committee

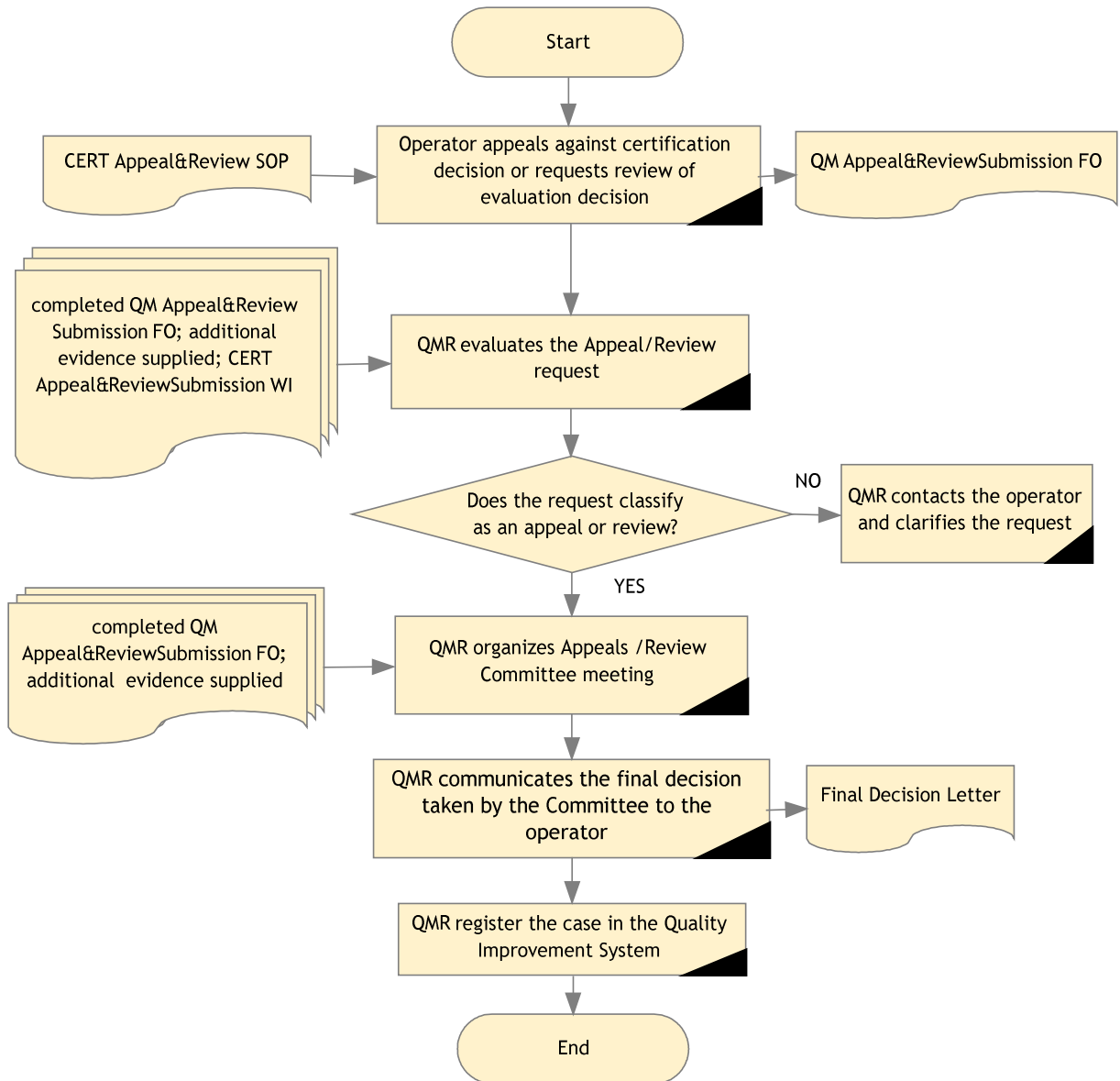
Appeals against decisions made by the Review Committee will be heard by the Appeals Committee only if the appellant can demonstrate that:

- a) A final certification decision has been made, and
- b) Reasonable grounds are indicated highlighting why the Appeals Committee could come to a different conclusion on the same facts the Review Committee was confronted with, or
- c) There is new, relevant information that can be presented to the Appeals Committee that was not presented to the Review Committee.

Appeals against decisions made by the Review Committee are not automatic and all requests for such appeals are evaluated according to the criteria mentioned above. Only when the Appeals Committee is convinced that one or more of these criteria apply will the appeal be heard.

- ❖ Please note also that a decision taken by the Appeals Committee is final and that no appeal will be accepted to this decision.

4 Appeal & Review Workflow



5 References

- GN Complaints SOP
- CERT Appeal&Review Submission WI
- QM Appeal&ReviewSubmission FO