



Appeals Procedure

PRO049-Appeals_Procedure-2024-08-15

PRO049-Appeals_Procedure-2024-08-15		
REPLACES:	PRO049-Appeals_Procedure-2024-06-26	
NATURE OF CHANGE:	Appeal report details; flowchart; cost information	
APPROVAL OF THE ORIGINAL DOCUMENT:	BoD	2016-03-08
APPROVAL OF THE CURRENT VERSION:	DW	2024-08-15

Be sure to have the latest version!

HQAI is constantly developing and improving its tools and procedures. Depending on feedback and learning from experience, these may change. Please make sure you're using the latest version, which can be found in HQAI website.

How to give feedback or contribute to the process?

If you would like to provide comments on this, document, or any aspect of our work, please send your feedback to: admin@hqai.org

Table of contents

.....	1
PRO049 Appeals Process	3
I. Key principles.....	3
II. References.....	3
III. Scope.....	3
IV. Definitions	4
0. Flowchart	4
1. Accessibility of Appeals Process	4
2. Receiving an Appeal	5
3. Role of ACB	5
4. Costs	6
5. Record Keeping	7
6. Reporting of Appeals and Audit Review Decisions	7
7. Accountability, Learning and Improvement.....	7

PRO049 - Appeals Procedure

I. Key principles

HQAI welcomes all appeals that are within the scope of its appeals policy and procedure. The principles that underpin the complaints system of HQAI and what these mean for HQAI is described below.

1. **Transparency:** communication between the appellant, HQAI and Advisory and Complaints Board (ACB) in relation to an appeal shall be open and honest, unless information must be limited for confidentiality, privacy, safety or other reasons.
2. **Impartiality:** any person handling an appeal shall treat the appeal on its merits and any actual or perceived conflicts of interest must be declared. They shall make decisions based on objectivity rather than bias or prejudice. The appeals process and governance should be able to demonstrate that it is independent from the parties involved in the original decision that is the subject of the appeal.
3. **Confidentiality:** identifying information relating to the appeal should only be made available to people who need to know, and those people should be cognizant of any risks related to the sharing of information. Systems shall be in place to ensure all privacy requirements when collecting and using information.
4. **Fairness:** proceedings shall be fair to all parties to the appeal. In particular, cost considerations shall not be a deterrent for lodging an appeal.
5. **Timeliness:** ACB will endeavour to resolve appeals within a reasonable timeframe and will communicate promptly with those involved in the appeal about timeframes and progress.
6. **Accessibility:** information about how to lodge an appeal to HQAI shall be made available to all auditees and other stakeholders as appropriate.
7. **Efficiency and Proportionality:** Whilst ensuring these principles are upheld, HQAI will efficiently apply methods that are appropriate to the complexity and sensitivity of each appeal.

II. References

ISO/IEC 17065 - Conformity Assessment Requirements for bodies certifying products, processes and services (2012)

HQAI GOV001 - Articles of Association

HQAI PRO114 - Third-party quality assurance procedure

HQAI POL048 - Complaint management policy

HQAI PRO050 - Advisory and complaint board

III. Scope

This procedure applies to all appeals against quality assurance decisions that are lodged with HQAI. To be within the scope of this procedure, appeals must be from auditees about HQAI audit findings and HQAI decisions related to those findings.

Appeals resulting from HQAI's complaint process are not covered by the scope of this procedure and described in POL048 Complaints Policy and PRO048 Complaints Process under "Appealing against a Complaints decision".

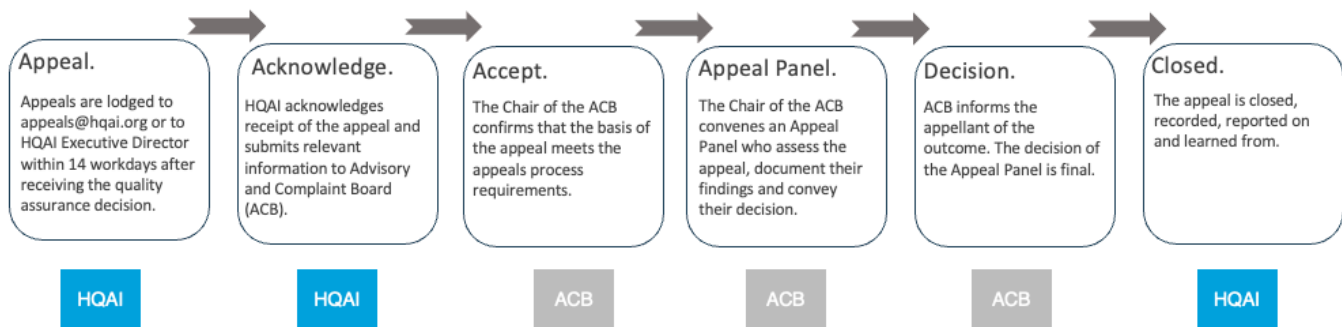
IV. Definitions

For the purpose of this policy the following definitions of key terms will apply.

Appeal:	A formal contestation by an auditee of a quality assurance decision made by HQAI about the auditee.
Appellant:	An organisation (or individual(s) authorised to act on behalf of an organisation) who lodges an appeal about HQAI audit findings or decisions.
Auditee:	An organisation that has been audited by HQAI.
Feedback:	A report to HQAI from an auditee in regard to an audit that is complimentary, positive, negative or neutral about HQAI but does not constitute an appeal.

Flowchart

The following chart summarises the appeal process described in detail in this procedure. The flowchart is simplified, hence incomplete, and serves to illustrate the overall process.



1. Accessibility of Appeals Process

HQAI shall undertake measures to make auditees aware of the processes through which they can appeal a quality assurance decision by HQAI. These should include, but are not limited to:

- Including current Appeals Policy and Procedure on the HQAI website.
- In writing in documentation prior to the audit commencing.
- At the completion of an audit:
 - In writing, when the audit report is provided to the auditee
 - Verbally by contracted auditors at closing meetings.

In its communications with auditees, HQAI should explain the difference between appeals and complaints and the different processes to manage these.

HQAI shall brief all new staff, contractors, interns and volunteers on the appeals policy of HQAI, and on the appeals procedure insofar as their job descriptions include roles in the process.

HQAI management will promote stakeholder confidence in the appeals process and ensure accessibility by:

- In collaboration with the Advisory and Complaint Board (ACB), regularly reviewing the effectiveness and efficiency of the appeals process.
- Seeking feedback about levels of satisfaction with the appeals process from appellants.
- Reporting on improvements made as a result of learning from appeals.

2. Receiving an Appeal

Appeals must be lodged in writing and describe the basis for contesting the quality assurance decision of HQAI in terms of one or more of the following:

- i) Refusal by HQAI to accept an application.
- ii) Refusal by HQAI to proceed with an assessment.
- iii) Corrective action requests or identified weaknesses arising from the audit.
- iv) Changes in audit scope.
- v) Decisions to deny, suspend or withdraw certification or decisions that levels of compliance with other regulations are not attained.
- vi) Any other action that impedes the attainment of certification or independent verification.

Appeals should be received within 14 workdays of the auditee receiving the final outcome of the audit or decision which they are appealing against. Appeals received by HQAI should be directed to the Executive Director in the first instance using the E-Mail address appeals@hqai.org. The Executive Director is responsible for acknowledging receipt of the appeal and forwarding the appeal to the Chair of the ACB.

The appeal should include *a minima* the following:

- Name of appellant
- Clear statement of the grounds for appealing the decision
- If possible substantiating evidence.

Upon receipt of the appeal, it is the role of the Chair of the ACB to confirm that the basis for the appeal meets the appeals process requirements as described above.

3. Role of ACB

a) Appeal Panel composition and role

The Chair of the Advisory and Complaints Board (ACB) shall constitute an Appeal Panel consisting of a minimum of two and a maximum of three people. The panel members could be drawn from the ACB membership or outside of the ACB and their identities will not be revealed to parties to the appeal. No panel members shall have been involved in the original decision which is the subject of appeal. Panel members must declare any conflicts of interest. The conflict of interest could be any actual or perceived relationship that would impact on their capacity to act without bias (or be seen to be able to act without bias) in relation to their role in considering the appeal. Potential external persons joining an Appeal Panel should have participated in an appropriate induction process.

The Appeal Panel shall agree a leader who is overall responsible for ensuring the Appeal Panel follows the relevant policy and procedure of HQAI in considering the appeal.

b) Assessing the Appeal

In order to reach an evidence-informed decision, the Appeal Panel can:

- Request HQAI, the appellant or other sources to provide more information.
- Consult with a wide range of specialists including auditors, staff of the auditee and HQAI staff irrespective of whether they were involved in the original decision or not.

In order to ensure the appeal consideration process is thorough and consistent, the Appeal Panel should apply the ISO 19011 2018 Guidelines for Auditing Management Systems as its framework. HQAI has an Appeal Handling Process Tool (ADM071) based on the Auditing Principles described in the ISO 19011 2018 Guidelines for Auditing Management Systems which the Appeal Panel can use to guide its consideration of the appeal. The focus of the Appeal Panel is on assessing HQAI's process to reach the original decision.

Although the Appeal Panel can consider information that was not considered in the original decision, the Appeal Panel cannot invite or consider information that is from outside of the original parameters of the sampling methodology applied. This limitation recognises that altering the sample is possibly going to yield a different result and deviates from the focus of the appeal which is the process applied in reaching the original decision.

To promote efficiency, as early as possible in the appeal consideration process, the Appeal Panel should identify and advise the individuals that it will consult with as part of its assessment. The Appeal Panel can seek administrative support from HQAI to arrange meetings etc. Unless other arrangements are agreed between HQAI and ACB, the Executive Director should appoint a focal person within HQAI with whom the Appeal Panel should liaise and communicate with. In response to an Appeal Panel request for documentation pertaining to the decision that is the subject of the appeal, HQAI shall provide the requested documentation to the Appeal Panel within seven (7) workdays.

c) Reporting the Outcome of the Appeal

The Appeal Panel should make a final decision within 45 workdays of receipt of the appeal. For complex cases or if there are delays in gathering information (due to availability of people, technical problems etc) it might not be possible to complete the process within these timeframes. In these instances, the Appeal Panel should keep the appellant and HQAI informed of revised timeframes.

The Appeal Panel should compile an internal report of their findings which, *a minima* includes the following:

- Name of appellant
- Date appeal was received and determined
- Summary of the stated grounds of appeal
- Summary of evidence considered
- Findings substantiating the decision
- Outcome of appeal.

The documented outcome of the appeal should reflect whether the appeal is upheld or rejected as well as any recommended improvement actions that the Appeal Panel feel would assist HQAI to strengthen their processes. The Appeal Panel should advise the appellant and HQAI in writing of the outcome of the appeal as soon as possible after their decision is made.

The decision of the ACB in considering the appeal is final and whilst HQAI shall record any dissent with the appeal decision it will not consider any further appeal relating to the same or very similar matter.

4. Costs

Due to the focus of the Appeal Panel on assessing the process to reach the original decision, the Appeal Panel shall only require tasks to be completed that incur actual costs in exceptional circumstances. In the event that the Appeal Panel decides that further assessment is warranted which requires actual costs to be incurred (e.g., time of an auditor to undertake a review of evidence), the ACB will inform the appellant about the amounts prior to the cost being incurred.

The Appeal Panel may consider the following options for the allocation of costs and confirm their decision in writing to the appellant and the HQAI Secretariat:

- i) all costs borne by HQAI if the appeal is valid, and is the result of HQAI poor performance;
- ii) all costs borne by the appellant if it appears the appeal is abusive;
- iii) an agreement between stakeholders, taking due consideration of the fairness principle and the fact that smaller organisation should not be discouraged to lodge an appeal because of cost factors.

5. Record Keeping

HQAI shall facilitate the ACB to maintain and store confidential and complete records of each appeal it receives in a secure location with restricted access. Access shall be restricted to the ACB, the Executive Director and others as deemed necessary by the Appeal Panel. Anyone accessing the appeal records are required to have signed HQAI's Confidentiality Agreement and Code of Conduct and follow HQAI's data protection protocols and procedures. Unless compelled by law or other extenuating circumstances, they are not permitted to reveal any confidential information:

- Download, copy, or remove any file or information to another device
- Allow an unauthorised third party to access information or files.

6. Reporting of Appeals and Audit Decision Reviews

On a bi-annual basis the Executive Director shall report to the ACB Chair details of all audit reviews that have resulted in a change in the original decision of the auditors. The ACB will use this information to understand whether any risks to the integrity of the audit process are arising as a result of the audit decision review process of HQAI and satisfy itself that the audit review processes of HQAI:

- Result in consistent and evidenced informed outcomes.
- Reflect fairness.

The Executive Director shall ensure that a report of appeals received by HQAI, and a summary of their outcomes is made publicly available on an annual basis.

7. Accountability, Learning and Improvement

In order to promote continuous improvement to the services it provides, HQAI management shall review its processes in light of each appeal outcome.

The Executive Director is responsible for ensuring HQAI has mechanisms in place to identify shortcomings and improvement actions in relation to systems and processes based on an analysis of appeals.

The Chair of the ACB is responsible for ensuring that the ACB reviews its processes and identifies shortcomings and improvement actions in relation to how it manages appeals.