

Training, Testing and Certification Centre

Note: The electronic copy of this document is controlled. To ensure that printed copies of this document are current, the status date should be checked against the status date of the electronic copy held in the compliance management database, Qudos.

Certification Complaints and Appeals

1.0 Purpose

This procedure details the steps to be taken when addressing a complaint or appeal lodged against Simtars Certification.

1.1 Reason for Change

Changes following recommendations by the Simtars Certification Advisory Committee plus other changes as follows:

- Title change to “Certification Complaints and Appeals” clarifying application to certification complaints.
- Clause 5.1 and 5.1.1. Changes to clarify process and to align with changes to ISO 17021-1.
- Clause 6.0. Change of the word “fees” to “bond” to better describe the cost charged to appellants and wording changes in the dot points for improved readability.

2.0 Scope

This procedure is applicable to the Training, Testing and Certification Centre (TTCC) of Simtars and members of the Simtars Certification Governing Board, Simtars Certification Advisory Committee and the Appeals Panel and covers complaints and appeals related to:

- ANZEx and IECEx product certification schemes
- ANZEx and IECEx service facility schemes
- ISO 9001 quality management system certification.

Note: Complaints and appeals against certification will be treated in the same manner.

3.0 References

MP 87.1	Australian/New Zealand Certification Scheme for explosion-protected electrical equipment (ANZEx Scheme) – Product Certification Program – Basic rules and procedures
MP87.2	Australian/New Zealand Certification Scheme for explosion-protected electrical equipment (ANZEx Scheme) – Recognised Service Facilities Program - Basic rules and procedures
	Note: MP 87.1 and MP 87.2 are currently in the process of being replaced by JAS-ANZ documents following the transfer of ownership of the ANZEx Scheme from Standards Australia to JAS-ANZ.
Ex OD005	IECEx Quality System Requirements for Manufacturers
Ex OD0014	Quality system requirements for IECEx Certified Service Facility
ISO 9001	Quality Management System - Requirements
EM0001	Certification Manual – Product Certification
EM0002	Certification Manual – Management System Certification

4.0 Definitions

Nil

Training, Testing and Certification Centre

5.0 Procedure

5.1 General

The appeal process may comprise two stages:

- submission of appeal with any supporting documentation to the Simtars Certification Governing Board with the lodgment of an appeal application bond. (Refer Section 6.0 *Bond and Costs*) and an investigation and judgement made on the outcome of the appeal.
- if not satisfied with the outcome, submission of a request for review by an Appeals Panel to be made. The Appeals Panel is constituted from members of the Simtars Certification Advisory Committee.

If the appeal process advances to the second stage, the Appeals Panel will determine the validity of the appeal and;

- if found to be valid, pass a judgement on the appeal, or;
- if not valid, dismiss the appeal.

The decision resolving the complaint or appeal shall be made, reviewed and approved by person(s) not involved in the certification activities related to the complaint or appeal.

5.1.1 Process

The appeal, however received at Simtars, is initially submitted to the Simtars Certification Governing Board (GB). The GB will acknowledge receipt of the appeal and meet within seven working days of receipt of the appeal documentation and will review the claim, take advice from interested parties where necessary and review action taken by testing and/or certification staff at Simtars. Where required, the GB may request further information or clarification from the appellant.

The GB is to clearly define the scope of the appeal and the form of the outcome. The GB is to clearly document its findings and convey them to the appellant.

If the appellant is not satisfied with the decision of the GB a submission must be made to the Simtars for a review of the appeal decision within 30 days. A further extension may be granted after which time if the appeal review application is not lodged it will be dismissed.

The Simtars Certification Advisory Committee (CAC) will arrange for the appeal review to be heard as soon as possible. Members of the Appeals Panel are to be notified within two working days of receipt of the appeals documentation and a suitable time to be arranged for the conduct of the appeal. Before a meeting is held the Appeals Panel members are to be provided with all necessary documentation for review including briefing notes and other documentation (e.g. standards, guides etc.) from the GB. All efforts must be made to convene the Appeals Panel at the earliest opportunity.

The Appeals Panel comprises all members of the CAC except for Simtars officers (chair and secretary). Any members of the CAC who may have a conflict of interest with regard to the appeal will also be excluded from the Appeals Panel.

The Appeals Panel will agree on a chairman from the panel for the duration of the appeal process. If required a Simtars' officer can be assigned for note/minute taking.

The Appeals Panel will consider the findings of the GB, consult with industry experts as necessary, consult/interview the appellant and Simtars testing and/or certification personnel as required.

The decision of the Appeals Panel is to be signed by all members of the panel indicating their agreement with the judgement. The decision document is to be forwarded to the chairman of the CAC who will forward a copy to the appellant and retain the original on file.

Training, Testing and Certification Centre

6.0 Bond and Costs

The initial appeal submission shall be accompanied by a bond payment of AUD\$5,000 which will be refunded if the appeal is upheld.

It may be necessary to pay additional costs associated with the appeals process such as :

- travel costs incurred by Panel Members
- fees from the employers of the Panel Members.
- Costs associated with any further tests or investigations.

The appellant is to be made aware that there may be costs associated with the appeals process and that an undertaking will be required to pay such costs before the appeal can proceed.