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Procedure of complaints and appeals

code
DA - PM - 005

Review no. 4
Dt 14.06.2019

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Procedure of complaints and appeals

Implemented by: General Director, Accreditation Board

Responsible for implementation: General Director

Checked by: Armond HALEBI
Director General

Approved by: Anila DENAJ
Minister of MFE

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1. PURPOSE

This procedure specifies details of handling of complaints and appeals submitted against DPA decisions and other issues related to accreditation.

2. SCOPE OF APPLICATIONS

This procedure is applied in all the cases when a complaint related to an accreditation activity or an appeal against a DPA adverse decision has been submitted to DPA Secretariat addressed to the Accreditation Board.

Complaints may come from any individual, conformity assessment bodies or other organizations related to the activities of DPA or conformity assessment bodies accredited by DPA. This procedure does not apply in the case of complaints regarding the penalties imposed for breach of the rules for the use of the accreditation symbol by non-accredited entities, as well as penalties imposed for failing to notify DPA on the status of accreditation of conformity assessment bodies which are registered in Albania and accredited by foreign accreditation bodies. These complaints are resolved in accordance with applicable laws.

Appeals may come from conformity assessment bodies for reconsideration of any adverse accreditation decision of DPA related to the desired accreditation status.


3. RESPONSIBILITIES

This procedure is implemented by the Accreditation Board and the General Director. The General Director is responsible for the implementation of this procedure.

4. REFERENCES

This procedure is based on:

- ISO/IEC 17011:2017 Conformity assessment - Requirements for accreditation bodies accrediting conformity assessment bodies,
- Law No. 116/2014, On accreditation of conformity assessment bodies in Republic of Albania
- Regulation of the Accreditation Board, DA-RG-002.

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5. VOCABULARY AND ABBREVIATIONS

For the purpose of this document the terms and definitions provided in Law No. 116/2014, On accreditation of conformity assessment bodies in Republic of Albania and in the standard ISO/IEC 17011:2017, ISO 9000:2015 and DPA Quality manual are used.

6. HANDLING OF COMPLAINTS

DPA accepts complains which are submitted to DPA in writing and the complainant is identified. All the complaints must be accompanied by documents justifying the complaint.

The complaint against accredited CABs must be first addressed to the CABs.


Within five working days of receipt, the General Director validates whether the complaint relates to accreditation activities that DPA is responsible for and if so, acknowledges the receipt of the complaint. In case the complaint is not related to accreditation activities DPA is responsible for, he provides the complainant with the information and reasons that the complaint is not handled by DPA.

In case when the complaint relates to accreditation activities DPA is responsible for, the General Director submits the complaint and associated documentation to Chairman of Accreditation Board and informs the complainant on the progress of handling the complaint.

The Chairman of the Accreditation Board analysis the documentation and nominates a complaint panel composed by 5 members of the Accreditation Board for handling the complaint.

Criteria for the members of the complaint panel are:

- Must be familiar with the accreditation requirements and the procedures of the DPA.
- Their technical competence and skills should be as close as possible to the subject of the complaint.
- Have the ability to hear information and identify key issues.
- Have the ability to analyze information received and to use it to formulate opinions and conclusions.
- Must be free from any conflict of interest relating to complaint.

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- They are not part of decision-making process on accreditation or involved as personnel in assessment process of the complaint or of CAB addressed to complaint.
- They cannot have any relation to the complainant. In case of related bodies, representatives of related bodies that are members of the Accreditation Board cannot be members of the complaint panel.

The Chairman of the Accreditation Board appoints one of the 5 persons as the head of the complaint panel. The Chairman of Accreditation Board may request DPA secretariat to act as secretary of the complaint panel.

All members of the complaint panel declare their impartiality and sign the declaration on confidentiality, on form DA-FO-010, for any information obtained while performing the activity as members of the complaint panel.

The General Director informs the complainant about the composition of the complaint panel. The complainant has the right to oppose against the composition of complaint panel, partly or entirely, for objective reasons. When the reasons are objective, the Chairman of Accreditation Board appoints another person(s) to the complaint panel. When the reasons are not objective, the General Director informs the complainant about the continuity of process without any changes. Having received the confirmation by the complainant on the complaint panel, the verification and validation the complaint is commenced.

Within ten working days, the complaint panel requests DPA or the accredited CAB to provide written information about the complaint. The complaint panel gathers and verifies all the information and organizes a hearing meeting. The complaint panel informs the complainant and the other parties (DPA or accredited CAB) within five working days in advance about the date and the venue of the hearing meeting. The participants of the hearing meeting are defined by complaint panel and no one who has conflict of interest can be present. If necessary, the complaint panel can invite technical assessors/experts.

The head of the complaint panel introduces the participants and chairs the meeting. The meeting starts with the complainant who presents orally and proves the claims submitted in the complaint. The other parties involved by the complaint panel present their arguments to panel too. Only the members of the complaint panel are entitled to ask questions to all parties during the meeting. The other participants or parties may address questions only through the head of the complaint panel. Upon his/her permission, participants can raise only questions pertinent to the case being treated. At any time during meeting the complaint panel may decide on suspension of the meeting if any document can be considered as confidential.

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Within two working days from the hearing meeting, the complaint panel formulates its recommendation and presents it to Chairman of Accreditation Board. The complaint panel's recommendation is to be made by majority and must be justified. If different opinions exist, they should be clearly indicated in the recommendation.

Within three working days, the Chairman of the Accreditation Board notifies the recommendations, including the different or alternative comments and the records to the General Director. Within five working days, taking in consideration the recommendation of Accreditation Board, the General Director makes decision on the complaint, including, if applicable, the necessary actions for solving by the complained. The General Director can request explanation from the Accreditation Board about the recommendation but he cannot decide differently from recommendation of the Accreditation Board.

Within five days from the decision-making, the General Director gives formal notice to complainant about the decision. If it applicable, within five working days, the General Director requests the parties (DPA or accredited CAB) to take actions for solving the complaint and the deadline for the actions. In the end of deadline, the parties must submit all the evidences of actions to DPA.

The complaint panel monitors all the evidences. If technical expertise is needed, the complaint panel may involve DPA technical assessors/experts. Having checked the evidences the complaint panel reports to Chairman of the Accreditation Board about resolving of the complaint. The chairman of the Accreditation Board submits this report to the General Director who informs the complainant, within three working days, about resolving of the complaint.

When the complainant doesn't agree with the decision on the complaint, he/she can address his complaint to the court in line with legislation in force.

DPA is responsible for all decisions at all levels of the complaint handling. Investigation and decision on complaint don't create any discrimination for the complainant.

DPA Quality Manager maintains all the records on the complaint handling and fills the form DA-FO-024.

The complainant must pay the fee for complaint when submitting it to DPA. If the complaint is not justified, the fee is kept by DPA. If the complaint is justified the fee is paid back to the complainant and the fee must be paid by the complained party. If the complaint is partly justified, both parties pay proportionally.



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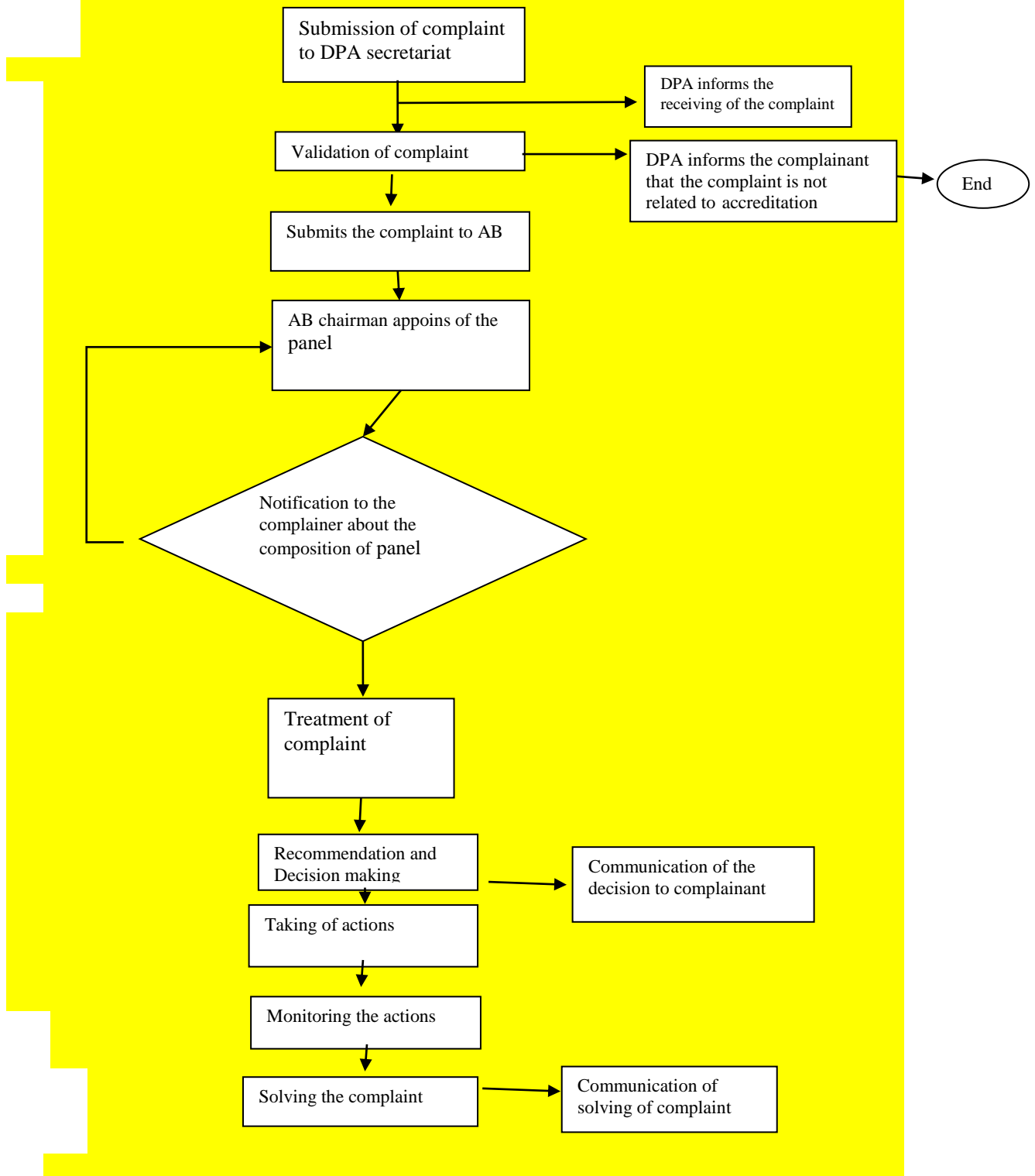
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6.1. THE DIAGRAMME



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6.2 REGISTRATIONS OF THIS PROCEDURE

Title of the document	Who fills it in	When is it filled in	Who maintains it
The form DA-FO-024 for registration of complaints	Quality Manager	In the end of the case	Quality manager

7. APPEAL PROCEDURE

Within 4 weeks of receipt of a DPA decision on accreditation, the CAB can submit an appeal against DPA's adverse decision to DPA secretary in writing. The appeal may be accompanied by supporting documents. The submission of the appeal does not lead to the suspension of the DPA decision on accreditation.


Within five working days from receipt, the General Director validates if the appeal is relating to DPA decision and was submitted on time, and if so, acknowledges the receipt of the appeal. In case when the appeal is not related to DPA decision or belated, he provides the CAB with the information and reasons that the appeal will not be handled by DPA.

In case when the appeal is dealt by DPA, the General Director submit the appeal and the associated documentation to Chairman of Accreditation Board. He informs the CAB for the progress of handling the appeal.

The Chairman of the Accreditation Board analysis the documentation and, nominates an appeal panel composed by 5 members of the Accreditation Board for handling the appeal.

Criteria for the members of the appeal panel are:

- Must be familiar with the accreditation requirements and the procedures of the DPA.
- Their technical competence and skills should be as close as possible to the subject of the appeal.
- Have the ability to hear information and identify key issues.
- Have the ability to analyze information received and to use it to formulate opinions and conclusions.
- Must be free from any conflict of interest relating to appellant.
- They are not part of decision-making process on accreditation or involved as personnel in assessment process of the appellant.

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- They cannot have any relation to the appellant. In case of related bodies, representatives of related bodies that are members of the Accreditation Board cannot be members of the appeal panel.

Chairman of the Accreditation Board appoints one of the five persons as head of appeal panel. The Chairman of Accreditation Board may request to DPA secretariat to act as secretary of the appeal panel.


All the members of appeal panel declare their impartiality and sign the declaration on confidentiality, on form DA-FO-010, for any information obtained while they perform the activity as members of the appeal panel.

The General Director informs the CAB about the composition of the appeal panel. The CAB has the right to oppose against the composition of panel, partly or entirely, for objective reasons. When the reasons are objective, the Chairman of Accreditation Board appoints another person(s). When the reasons are not objective, the General Director informs the CAB about the continuity of process without any changes. Having received the confirmation by CAB on the appeal the panel, the verification and validation the appeal is commenced.

Within ten working days, the appeal panel requests DPA to provide written information about the appeal. The appeal panel gathers and verifies all the information and organizes a hearing meeting. The appeal panel informs CAB and DPA within five working days in advance about the date and the venue of the hearing meeting. The participants in hearing meeting are defined by appeal panel and no one who has conflict of interest can be present. If necessary, the appeal panel may invite technical assessors/experts.

The head of the appeal panel introduces the participants and chairs the meeting. The meeting starts with the CAB who presents orally and proves the claims submitted in the appeal. The other parties involved by the appeal panel present their arguments to appeal panel too. Only the members of the appeal panel are entitled to ask questions to all parties during the meeting. The other participants or parties may address questions only through the head of the appeal panel. Upon his/her permission, participants can raise only questions pertinent to the case being treated. At any time during meeting the appeal panel may decide on suspension of the meeting if any document can be considered as confidential.

Within two working days from the hearing meeting, the appeal panel formulates its recommendation and presents it to Chairman of the Accreditation Board. The appeal panel's recommendation is to be made by majority and must be justified. If different opinions exist, they should be clearly indicated in the recommendation.

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Within three working days, the Chairman of the Accreditation Board notifies the recommendations, including the different or alternative comments and records to the General Director. Within five working days, taking in consideration the recommendation of Accreditation Board the General Director makes decision on the appeal, including, if applicable, the necessary actions for solving the appeal. The General Director can request explanation from the Accreditation Board about the recommendation, but he cannot decide differently from recommendation of the Accreditation Board.

Within five working days from the decision-making, the General Director gives formal notice to CAB about the decision. If the appeal is partly or entirely justified, DPA is obliged to reconsider the appealed decision on accreditation within 5 working days. In the end of deadline, DPA shall submit the evidences of the actions taken to the appeal panel. The appeal panel checks the evidences. If technical expertise is needed, the panel may invite DPA technical assessors/experts who were not involved in the activities in question. Having checked the evidences, the appeal panel reports to Chairman of the Accreditation Board about resolving of the appeal. The Chairman of the Accreditation Board submits this report to the General Director who informs the appellant, within three working days, on resolving of the appeal.

When the CAB doesn't agree with the decision on the appeal, it can address his appeal to the court in line with legislation in force.

DPA is responsible for all decisions at all levels of the appeal handling. Investigation and decision on appeal don't create any discrimination for the appellant CAB.

The Quality Manager maintains all the records and fulfills the forms DA-FO-024.

DPA Quality Manager maintains all the records on the complaint handling and fills the form DA-FO-024.

The appellant CAB must pay the fee for appeal when submitting it to DPA. If the appeal is not justified, the fee is kept by DPA. If the appeal is justified the fee is paid back to the appellant CAB and the investigation of the appeal is paid by DPA. If the appeal is partly justified, both parties pay proportionally.



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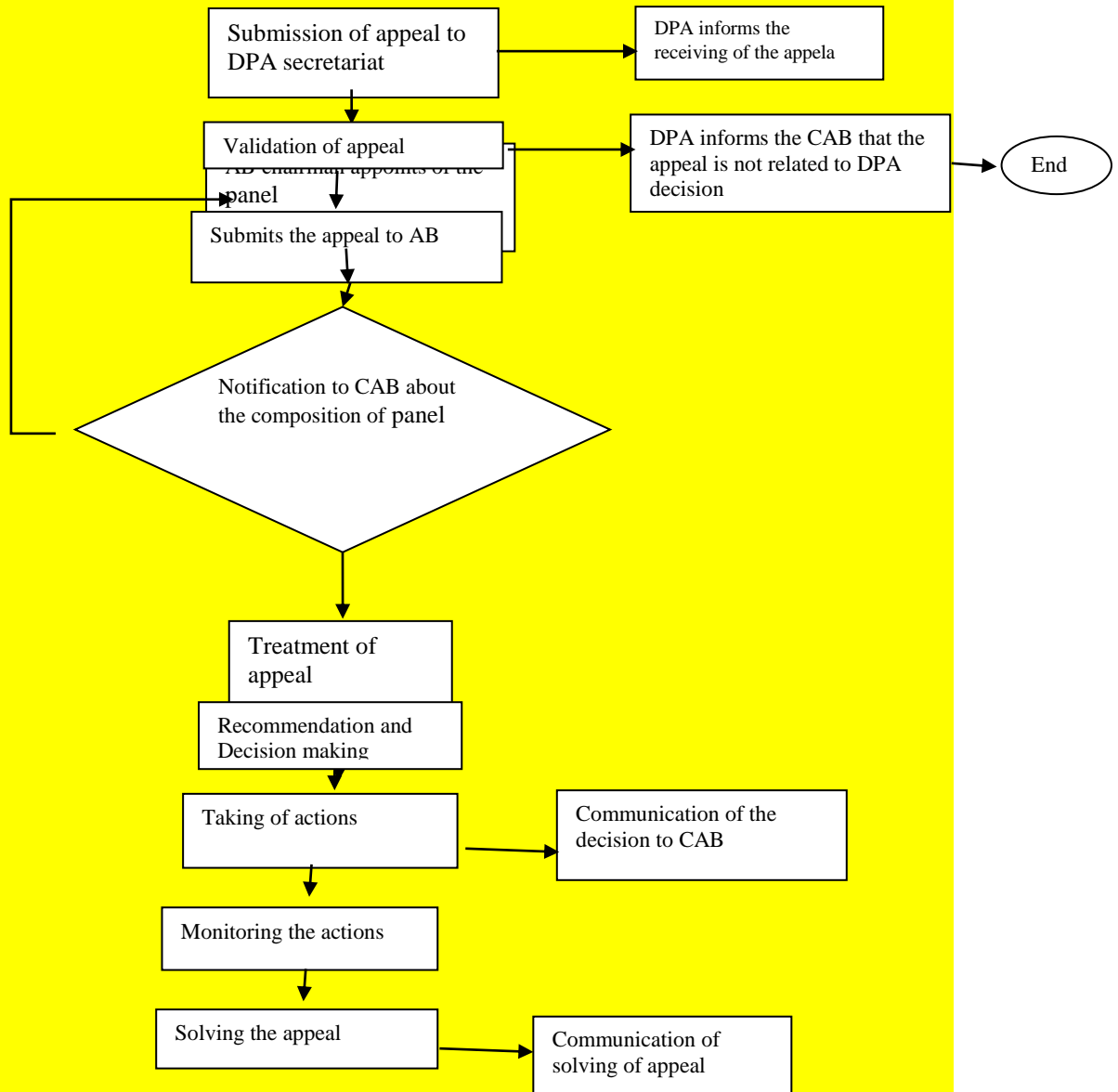
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7.1. THE DIAGRAMME



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7.2 Registration of this procedure

Title of the document	Who fills it in	When is it filled in	Who maintains it
The form DA-FO-024 for registration of appeals	Quality Manager	In the end of the case	Quality manager

8. HISTORY

Date of Revision	Number of Revision	Author	Description of changes
30.10.2006	0	B. Xhafa	Original version
5.11.2008	1	A. Fuga	Amendments based to the new legislation in paragraphs 2, 4 and 9
4.12.2009	2	E. Fyshku	Amendments in paragraphs 6, 10 and 12 based on ISO 17011.
27.07.2015	3	E. Fyshku	Supplementation in point 2 under Decision No .__ Date __ / __ / 2015; Change in item 5 , 6 and section 7 are added criteria for members of the commission for handling the complaint / appeal as a result of the Law no. 116/2014 " On accreditation of conformity assessment bodies in the Republic of Albania. Changes arising from new legislation for accreditation in paragraphs 2 , 3 and 4
14.06.2019	4	E. Fyshku	Amendments to chapters 6 and 7 according to ISO / IEC 17011: 2017