MSQM 007

Issue No. 3

Appeals, Complaints and Disputes Manual

明晟認証(亞洲)有限公司
MINSEN Certification (Asia) Limited

This manual (MSQM 007) is written and issued under authority of



HUANG Jianmin
Director

Amendment Record Sheet

Amendment		Discarded		Inserted		Approved by
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1.0 Purpose and Scope

1.1 The manual includes procedures for handling appeals, disputes, complaints and Fraudulent behaviour from any applicant or certified organisation or interested party in order that they are reasonably resolved in an impartial manner.

2.0 Responsibility

2.1 The General Manager and the Operations Manager shall ensure any appeal, dispute and complaint is properly handled in accordance with the procedures in this manual.

3.0 Procedures for Complaints, Disputes and Appeals

3.1 Any person may file a complaint about the MINSEN certification program or decision. A complaint is defined as a disagreement that does not affect the outcome or decision of the certification activities, or the certification scheme. The complaint may be made orally, or in writing to MINSEN.

3.2 The organsiation may file an appeal about the MINSEN certification decision or withdrawal of certification. An appeal is defined as a disagreement that affects the outcome or decision of the certification scheme. The appeal shall be made to MINSEN in writing.

3.3 On receipt of a complaint, dispute, or appeal, the responsible personnel of investigation shall document it in Form no. MSQM007-F-001 (Complaint/Dispute/Appeal/Fraudulent behaviour Report) and take corresponding actions. All complaints, disputes and appeals shall also be recorded in Form no. MSQM007-F-002 (Complaint/Dispute/Appeal/Fraudulent behaviour Log).

3.4 MINSEN shall confirm whether the complaint or appeal relates to certification activities for which it is responsible and, if so, shall address it. MINSEN shall respond to complaints and appeals in the same language that is used in the public summary certification report, or shall agree with the complainant on the language used. If there is disagreement with the results, the organization shall be notified that HKAS, ASI NA or FSC may be contacted concerning the complaint.

3.5 Disputes should be resolved in the first place by discussion and negotiation or mediation. Formal procedures, including committees, should only be adopted as a last resort. Disputes should always be addressed at the lowest level possible and stakeholders are strongly encouraged to follow this principle (FSC-PRO-01-008 Annex 2).

3.6 Any dispute related to the FSC Certification Scheme shall be treated with procedural fairness and incorporate the following guidelines:

3.6.1 A person or organisation, who is the subject of a complaint, should be given adequate notice about the proceedings (including details of the complaint).

3.6.2 A person making a decision should declare any personal interest they may have in the proceedings.

3.6.3 A person who makes a decision should be unbiased and act in good faith. Therefore decision-makers cannot be one of the Parties to the Complaint or Appeal, nor have an interest in the outcome.

3.6.4 Proceedings should be conducted with fairness to all the Parties to the Complaint or Appeal.

3.6.5 Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party.

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3.6.6 A decision-maker should take into account relevant considerations and mitigating circumstances, and ignore irrelevant considerations.

3.7 MINSEN shall retain the anonymity of the complainant in relation to the client, if this is requested by the complainant.

3.8 MINSEN shall treat anonymous complaints and expressions of dissatisfaction that are not substantiated as complaints as stakeholder comments and address these during the next audit.

3.9 MINSEN shall register all complaints with FSC.

3.10 MINSEN shall be responsible for gathering and verifying all necessary information (as far as possible) to progress the complaint or appeal to a decision.

3.11 MINSEN has the duty of seeking a timely resolution of complaints and appeals, in particular to:
a) acknowledge receipt of a complaint or appeal;
b) provide an initial response, including an outline of MINSEN's proposed course of action to follow up on the complaint or appeal, within two (2) weeks of receiving a complaint or appeal;
c) keep the complainant(s)/ appellant(s) informed of progress in evaluating the complaint/ appeal;
d) investigate the allegations and specify all its proposed actions in conclusion to the complaint or appeal within three (3) months of receiving the complaint or appeal;
e) notify the complainant when the complaint is considered to be closed, meaning that the CB has gathered and verified all necessary information, investigated the allegations, taken a decision on the complaint and responded to the complainant.

3.12 All Parties involved in the process should refrain from commenting publicly on the complaint until a decision is made and all Parties have been informed accordingly.

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

3.14 MINSEN shall record and track complaints and appeals, as well as actions undertaken to resolve them.

3.15 A complainant shall be offered the opportunity to refer their complaint to accreditation body, such as HKAS or ASI NA, if the issue has not been resolved through the full implementation of MINSEN’s own procedures, or if the complainant disagrees with the conclusions reached by MINSEN and/ or is dissatisfied by the way MINSEN handled the complaint. As the ultimate step, the complaint may be referred to FSC relating to FSC evaluations.

3.16 If there is a dispute between the lead auditor and the organisation on the interpretation of the Standard, the organization shall be notified their right on filing a complaint. The handling procedures are same as 3.3 to 3.4.

3.17 At any time a complaint may be made by any interested party to MINSEN about the certified organization. In this event, MINSEN shall send the details of the complaint (excluding the identity of the complainant) to the organization, and ask them to provide timely comment on the complaint. The organization is expected to propose appropriate corrective action accordingly. Depending on the organization’s response, MINSEN shall take note for subsequent surveillance visit, and might require an audit specifically on the complaint.

3.18 In the event an applicant or certified organization wishes to appeal a decision made by MINSEN, they shall do so within 30 days of being notified by MINSEN’s decision to refuse to grant or

continue a certification. The decision shall stand until the Appeals Committee formally hear the organisation's appeal.

3.19 The Appeals Committee comprises of the Chairman and a minimum of two additional members from the Certification Committee who have not involved in the original certification activities towards the organization making the appeal, which is established to address the appeal. The organization has a right to object to any member forming part of the Appeal Committee. The Certification Committee shall then select a different Appeal Committee constitution. A meeting between the organization and Appeal Committee shall be held within 30 days of receipt of the appeal notice and the appellant shall be given at least 7 days notice of the time and place of the meeting.

3.20 The organisation filing the appeal shall be notified by written of the decision. If there is disagreement with the results of the appeal, the organisation shall be notified that they may contact the accreditation body, such as HKAS or ASI NA concerning the appeal.

3.21 Where a complaint, dispute or appeal made to MINSEN by any party raises any doubt on MINSEN's compliance with its policies or procedures, the Operations Manager shall ensure that relevant areas of its activities are promptly reviewed to determine any necessary corrective action/preventive action required in accordance with MSQM004 (Management Review, Internal Audit and Corrective/Preventive Manual).

3.22 Where a complaint, dispute or appeal made to MINSEN by its clients or other parties relating to any of its accredited activities is not satisfactorily resolved within 60 days from the date of receipt, the Operations Manager shall notify HKAS Executive or ASI NA in writing of this matter.

3.23 Records of all complaints, disputes and appeals shall be kept for a minimum of 10 years.

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4.0 Procedures for Fraudulent behaviour

4.1 Fraudulent behaviour is considered as “any intentional misinterpretation, concealment of information or provision of false information to a relevant interested party, resulting in the deliberate violation of certification rules.”

4.2 MINSEN provides different channels such as website, email, telephone and fax to receive feedback from stakeholders on the behaviour by the certified Organisation.

4.3 The certified Organisation shall inform MINSEN for any incident relating to fraudulent behaviour.
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4.4 When MINSEN received or revealed any allegation of fraudulent behaviour against the certified Organisation, for examples, via HKAS or other relevant interested parties or during the performance of certification activities such as certification audit, complaint investigation or enquiry from interested parties, MINSEN shall validate the allegation. If it is confirmed to be relevant to the scope of accredited certification, MINSEN shall start the investigation of the allegation of fraudulent behaviour as soon as possible. The investigation methods could include administrative approach, meeting or special audit

4.5 The responsible personnel of investigation shall document the case in Form no. MSQM007-F-001 (Complaint/Dispute/Appeal/Fraudulent behaviour Report) and take corresponding actions. All cases shall also be recorded in Form no. MSQM007-F-002 (Complaint/Dispute/Appeal/Fraudulent behaviour Log).

4.6 If there is confirmed evidence of a fraudulent behaviour against the certified Organisation, MINSEN shall initiate its suspension and/or withdrawal of certification process against the Organisation within one month.

4.7 The certified Organisation will be notified of the decision and sanctions made by MINSEN in writing. If the organisation is not satisfied with the results, it could make appeal to MINSEN or the accreditation body.

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