



CAPRO-05

Procedure for Complaints, Appeals and Dispute Resolution

1.0 PURPOSE AND SCOPE

This procedure outlines the procedure involved in handling customer complaints, appeals and disputes related to certification decision and activities including maintenance of relevant records. All steps in this procedure is covered under the Conformity Affairs requirements/procedure for confidentiality and covered by the policy for safeguarding impartiality.

2.0 DEFINITIONS

Dispute- occurs when any organization, party or person, questions or opposes the decision of Conformity Affairs Department regarding any aspects of the certification decision and any related certification activities/actions.

Complaint- occurs when any organization, party or person expresses dissatisfaction (written or verbal, but written complaint will be considered as a formal complaint) on the certification services provided by the Conformity Affairs Department.

Appeals-arises when a dispute or complaint is not resolved to the satisfaction of the person, organization or any related party that initiated the dispute or complaint.

3.0 RESPONSIBILITY & AUTHORITY

The Conformity Affairs Director shall be fully responsible for handling/receiving/acknowledging/reviewing/deciding on disputes and complaints. In case of appeals, the matter has to be brought to the attention of the Director General or Deputy Director General for further investigation and corrective action.



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4.0 REFERENCE

Clause 4.5.3 M of ISO/IEC Guide 65:1996 and Clause 7.13 of ISO 17065:2012

5.0 PROCEDURAL STEPS

- 5.1 Any person, company or organization who is dissatisfied with the certification decision and services of the Conformity Affairs Department may raise a complaint or dispute by submitting a formal letter of complaint address to the Director of Conformity Affairs Department. Verbal Complaints will also be accepted and the client will be asked to file a complaint online using the ESMA website link to the Federal Government Gateway. If in case the client needs assistance in logging the complaint online, ESMA staff can assist the client.
- 5.2 Upon receiving the complaint online, the Conformity Department staff will logged the complaint by giving a unique identification number as per ESMA procedures and the letter will be kept for confidentiality and record control. Verbal complaints can only be acted upon submission of a formal written complaint and the subsequent corrective action will be implemented.
- 5.3 Upon acknowledging the complaint, the director of Conformity Affairs Department or its designated personnel should review the complaint, investigate and the appropriate corrective action should be carried out immediately. A written resolution shall be sent to the complainant within five working days after receiving the complaint. If the complaint is deemed valid, a corrective action should be done by the Conformity Affairs Department to maintain the conformity to ISO 17065, to prevent recurrence, and to conduct internal audit (if deemed necessary) to assess the effectiveness of the corrective action.

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Personnel who are directly involved in the complaint/issue will not be assigned to investigate the complaint to ensure impartiality.

For complaints related to ESMA decision, activities or services, the complaint will be forwarded to the Director General of ESMA for immediate resolution.

5.4

If the decision or resolution of the complaint or dispute is not accepted by the party who raise the complaint or dispute, the complainant may file an appeal by writing to the Deputy Director General within 14 days from receiving the decision or resolution to the complaint.

For each appeal received, the relevant section shall recommend to the Deputy Director General of ESMA the formation of an Ad-Hoc Appeals Committee comprising of impartial qualified members to review and study the appeal. The Committee shall set a schedule for a decision meeting and inform the appellant of the date of the meeting and the composition of the Committee. During the meeting, the appellant and the Conformity Affairs Department of ESMA are entitled to state their case confidentially.

A consensus decision by the Committee is considered final. Until such decision is made, the relevant Section decision shall remain in force.

For each appeal received from the top management of ESMA, the CAD Quality Officer should investigate the matter and shall reply to the appellant within 3 working days. In such cases, CP-174 shall be followed by CAD in responding to appeals.

5.5 DOCUMENTS

Customer Complaint Letters (numbered is generated as per archiving system of ESMA)