



Appeals Policy

A Preamble

1 Introduction and purpose of the policy

This document establishes the policy and procedure for reconsiderations and appeals against decisions made by IOAS related to the accreditation process and status of certification bodies (CBs). Special arrangements are described for accreditation under the Canada Organic Regime (COR) which is awarded by the Canadian Food Inspection Agency (CFIA).

2 Scope

The policy is limited to reconsiderations and appeals made by applicant and accredited CBs regarding decisions made by IOAS. It is applicable to all schemes in which IOAS is engaged with exceptions as noted in the text.

Third party objections to specific actions of accredited CBs are considered complaints and are dealt with in document [PL0511b](#) 'Complaints Policy-ACBs'.

Objections by applicant or accredited CBs to the service provided by the IOAS are considered complaints and are dealt with in document [PL0511a](#) 'Complaints against the IOAS'

Legal recourse following exhaustion of this appeals procedure may be taken through an agreed arbitration service as referred to in document [PL0502](#) Contract for provision of IOAS assessment and surveillance.

3 Definitions

General reference is made to the definitions provided in the IOAS General Operating Manual.

Appeal: request by a CB for reconsideration of any adverse decision made by the accreditation body related to its desired accreditation status.

4 Distribution

This document is distributed to the CBs immediately upon finalising any changes. In addition, it is distributed to the Board, the Accreditation Committee (AC) and the Impartiality Committee (IC) annually or available in the IOAS web site 'client area'. Staff are informed of changes as soon as they have been finalised. Interested parties may obtain a copy on request.

5 Authority and revision

This policy is approved by the IOAS Board of Directors (BoD). It is the responsibility of the IOAS Executive Director (ED) and the BoD to review the appropriateness of the policy from time to time. It may be revised when the need arises. Its effectiveness in meeting the quality policy of the IOAS will be assessed during Internal Review and any measures for improvement notified to the ED and the BoD.

B Policy

Scope of reconsiderations and appeals

1. During the course of assessment and surveillance of CBs the IOAS makes many decisions. These may be made by the staff, the Accreditation Management Committee (AMC), the Accreditation Committee (AC) and the BoD according to their terms of reference and responsibilities.
2. Such decisions include, but are not limited to, the following:
 - Refusal to accept an application;
 - Refusal to proceed with an assessment at any stage (termination);
 - Issue of a non-compliance;
 - Changes in accreditation scope;
 - Issue of a warning or fine;
 - Decisions to deny, suspend or withdraw accreditation;
 - Any other action that affects the attainment of accreditation.
3. A transparent system for the handling of reconsiderations and appeals is an important aspect of the IOAS system for impartiality, which is overseen by the Impartiality Committee.
4. Investigation and decisions on appeals shall not result in any discriminatory actions.
5. All decisions may ultimately be appealed by the CB but only the following are considered appeals in the first instance and directed to the IOAS Appeals Committee without reconsideration at other levels as described below:
 - Refusal to proceed with an assessment at any stage (termination);
 - Decisions to deny, suspend or withdraw accreditation;
6. All other decisions are not initially considered appeals but reconsiderations and shall progress through the hierarchy of reconsideration levels described under Section C below.

Appeals Committee

7. The IOAS appeals body is a 3-person committee made up of any member of the BoD.
8. No member of the BoD who also serves on the AC may be appointed to the committee.
9. Members with identified conflicts of interest shall also be excluded.
10. Members are appointed for specific appeals on a case by case basis.
11. All members of the appeals body shall be present for a hearing to take place.
12. Hearings may be held by teleconference.
13. IOAS and the appellant shall bear their own costs.

Canada Organic Regime

14. Under the Canada Organic Regime CBs may request a hearing on decisions impacting their operations made by the CFIA or the IOAS. Where appropriate the appeal flows from CB to CVB. The CFIA is the final level of appeal.

C Procedures

Reconsiderations

1. Challenges to IOAS rulings on individual points of compliance with the requirements for accreditation which arise at any stage of assessment and surveillance (document review or from site visits) shall be reconsidered as follows:
 - In the first instance they are responded to by the responsible Client Manager (CM) who may accept or reject the CB's arguments. The CM shall discuss such cases as necessary with the Assistant Programme Manager and Programme Manager. There may be several rounds of decision and feedback (within the bounds of the time periods allowed by IOAS procedure) unless the CB wishes to elevate the case to the next level.
 - If the CB is dissatisfied with the response of the CM they may formally request review by the AC.
 - If the CB is dissatisfied with the response of the AC they may lodge a formal appeal (see point 2 below).
 - In all such cases a request for reconsideration must be submitted within 20 week- days of the decision being informed to the CB. Requests for reconsideration shall not be considered after this period. The timeframe to receive a reconsideration request shall be communicated in relevant form letters to ensure CBs understand the terms of this right.

Appeals

2. If a final reconsideration decision of the AC is considered unacceptable by the CB, it may further appeal to the Appeals Committee.

The CB shall notify the IOAS within 10 week-days of the final decision of the AC of its intention to make an appeal or not. The appeal itself, if the CB intends to proceed, shall be lodged with the IOAS within 20 week-days of notification of the final decision of the AC.
3. Within 5 week-days of receipt of an appeal an assessment shall first be made as to whether the appeal is valid in terms of the criteria in the policy section above and the CB informed. This notice of acceptance of validity shall explain how the appeal shall be conducted.
4. Once an appeal is accepted, the decision or sanction which is the subject of the appeal is put in abeyance and not made public until the appeal process is concluded. However, IOAS reserve the right to inform scheme owners and/or authorities that rely on the IOAS decision of the sanction and that an appeal has been made.
5. Appeals shall include argumentation supporting the appeal and any documentary evidence to support the claim that the IOAS decision was unfounded or inappropriate.
6. The appellant shall be informed of the proposed date of the hearing. This shall be no later than 30 week-days from receipt of the appeal.
7. President of the BoD shall be informed of the appeal and the Programme Manager will proceed to gather the Appeals Committee.
8. The appellant shall be invited for part or all of the hearing. A maximum of three (not including an interpreter when needed) people shall represent the appellant.

9. The Chair of the AC, IOAS Programme Manager and any IOAS team member may participate in the hearing but do not carry voting rights.
10. The appellant shall be informed of the proposed date of the initial hearing.
11. The appeal meeting shall be conducted in English. If needed the appellant shall provide their own interpreter.
12. All documentation submitted by the appellant shall be forwarded to the Appeals Committee together with any relevant documentation relating to the original disputed decision.
13. An agenda for the meeting with the CB shall be sent to all participants.
14. The Appeals Committee shall appoint a Chairperson from amongst their number to manage the meeting. The meeting shall adopt the following general format and give approximate timing so as to allow for an orderly process:
 - Meeting opens
 - Appointment of Chair and minute keeper
 - Appeal Committee pre-meeting
 - CB joins meeting
 - Introductions
 - Protocol of the appeal
 - CB explanation of their appeal
 - Questions from Appeal Committee and discussion
 - Any further clarifications
 - CB leaves meeting
 - Appeal Committee post meeting discussion and decision
 - Meeting close
15. All participants may speak. The meeting between the parties shall be recorded whenever possible and acceptable to all parties.
16. The decision of the Appeals Committee shall be sent to the appellant within 4 week-days of the meeting.
17. The decision is considered final and no further appeal is possible (except under the Canada Organic Regime – see point 18 below). The appellant shall be informed of the reasons for any decision denying the appeal.

Canada Organic Regime

18. Requests for further appeal to the Canada Organic Office must follow the procedures outlined in the Canada Organic Regime Operating Manual.

Legal recourse

19. By signing the service contract [PL0502](#) with IOAS, legal recourse, following an exhaustion of the appeals process, can be made by the CB through an appropriate binding arbitration process.

IOAS Corrective Actions

19. The IOAS Board of Directors shall be informed of the outcome of all appeals.
21. Whenever an appeal is upheld the IOAS Board shall determine whether the initial decision was overturned as a result of a failing on the part of the IOAS. If that is considered to be the case, the Board shall determine appropriate corrective actions.
22. The implementation of corrective actions shall be done in a timely manner.
23. The implementation of such corrective actions shall be checked during the course of internal audits.

IOAS Record keeping

24. Full records of all reconsiderations and appeals, of final decisions and of follow up actions (if any) will be maintained as follows:
- a) Reconsiderations handled by the CM shall be recorded in the compliance section of the applications database.
 - b) Reconsiderations handled by the AC shall be recorded in the agenda and minutes of AC meetings.
 - c) Minutes of Appeals Body meetings shall be taken in accordance with the IOAS Minutes Policy doc
 - d) The recording (when made) of the Appeals Committee hearing shall be retained.
 - e) The updating of the appeals register will be responsibility of the Quality Manager. Only appeals (not reconsiderations) shall be entered.

Annex 1

Summary of steps and target timeline between issue of contested decision and the issue of the final decision of the Appeal Committee.

| | Step | Time line ¹ | Cumulative time |
|---|--|----------------------------------|------------------|
| 1 | Issue of contested decision | 0 | 0 |
| 2 | Time by which appeal must be received | +20 | +20 |
| 3 | Assessment of validity and acknowledgement & notification of relevant scheme owners and authorities. | +5 | +25 |
| 4 | Establishment of Appeals Committee | +10 | +35 |
| 5 | Papers sent to Appeals Committee | 5 days before meeting | No more than +45 |
| 6 | Appeals Committee Meeting | Within 30 days of appeal receipt | No more than +50 |
| 7 | Appeals Committee decision communicated to CB and relevant scheme owners and authorities. | +4 | No more than +54 |

¹ Week days regardless of public holidays
BoD doc PL0504 v11