

Objections and Appeals Policy

A Preamble

A.1 Introduction and Purpose of the Policy

This document establishes the policy and procedure for handling objections to cited non-conformities and appeals of accreditation 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).

A.2 Scope

The policy is limited to objections and appeals made by applicant and accredited CBs regarding non-conformities raised and decisions made by IOAS, respectively. It is applicable to all schemes in which IOAS is engaged with exceptions as noted in the text.

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

Concerns by applicant or accredited CBs regarding the service provided by the IOAS are considered complaints and are dealt with in document [PL0511a](#) 'Complaints-IOAS Policy'.

Legal recourse following exhaustion of this procedure may be taken through an agreed-upon arbitration service as referred to in document [PL0502](#) 'IOAS CB Accreditation and/or Recommendation for Approval Contract'.

A.3 Definitions

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

Objection: formal disagreement by the CB with a non-conformity cited by the accreditation body assessor during any assessment activity.

Appeal: formal disagreement by the CB with any adverse accreditation decision made by the accreditation body related to its desired accreditation status.

A.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) upon revision and is made 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.

A.5 Authority and Revision

This policy is approved by the IOAS Executive Director (ED). It is the responsibility of the IOAS Quality Director (QD) 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 audit and management review and any measures for improvement notified to the ED.

B Policy

B.1 General

B.1.1 During the course of assessment and surveillance of CBs, IOAS makes many decisions. These may be made by staff, assessors, the Accreditation Committee (AC) and the Board (BoD), according to their terms of reference and responsibilities.

B.1.2 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-conformity.
- Changes in accreditation scope.
- Issue of a warning.
- Decisions to deny, suspend or withdraw accreditation.
- Any other action that affects the attainment of accreditation.

B.1.3 A transparent system for handling objections and appeals is an important aspect of the IOAS system for impartiality, which is overseen by the Impartiality Committee.

B.1.4 Investigation and decisions on objections and appeals shall not result in any discriminatory actions.

B.1.5 A CB may ultimately disagree with any decision made by IOAS. The following is considered to be an “objection”:

B.1.5.1 Disagreement with a cited non-conformity.

The following are considered appeals and are directed to the IOAS Appeals Committee without reconsideration by management:

B.1.5.2 Disagreement with IOAS decision not to accept an application or not to proceed with an assessment at any stage (termination).

B.1.5.3 Decisions to deny, suspend or withdraw accreditation (including decisions to revoke items from the accreditation scope or not to add requested items to the accreditation scope).

B.2 Appeals Committee

B.2.1 The IOAS Appeals Committee is comprised of 3 people that are members of the BoD.

B.2.2 No member of the BoD who also serves on the AC may be appointed to the Committee.

B.2.3 Members with identified conflicts of interest shall also be excluded, including the exclusion of Board Executive Committee members from serving on an Appeals Committee involving an assessment performed by the ED or Technical Director (TD)

B.2.4 Members are appointed for specific appeals on a case-by-case basis.



- B.2.5 All members of the Appeals Committee shall be present for a hearing to take place.
- B.2.6 Hearings may be held by teleconference.
- B.2.7 IOAS and the appellant shall bear their own costs.

B.3 Canada Organic Regime

- B.3.1 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 – Objections

- C.1 Following any assessment or review activity by IOAS, a CB may disagree with a non-conformity that is cited. If there is indeed disagreement on the part of the CB, the CB must submit their formal disagreement (along with all relevant supporting documentation) to IOAS within 14 calendar days from receiving the non-conformity in the final assessor report.
- C.2 For the contested issue, IOAS gathers full substantiation from the assessor to support the cited non-conformity. If, upon review of the supporting documentation provided by the CB, the assessor agrees that the non-conformity can be dropped, then the CB's objection is accepted, and the non-conformity is dropped.
- C.3 If the objection is not resolved after further review by and the discussion with the assessor, the TD (or designee) is consulted for their opinion on the perspectives of both CB and assessor in an effort to bring about resolution. A meeting with the CB may be recommended to further present the assessor's perspective in an effort to have the CB retract their objection. If these efforts bring about resolution of the objection, then the assessor and CB are both notified in writing.
- C.4 If the efforts outlined in C.3 above do not resolve the objection, then the full position of both sides is sent to the Accreditation Committee, and it is the AC that decides whether the non-conformity is valid or invalid.
- C.5 The CB and assessor are notified immediately in writing of the AC's decision regarding the validity of the non-conformity. If the AC agrees with the CB's objection, then the non-conformity is dropped. If the AC disagrees with the CB's objection and upholds the non-conformity, then the CB is notified of this decision. At that point, the CB either:
 - C.5.1 Submits corrective action documentation (either within the original timeframe dictated by IOAS for the CB's correction action submission or, if that time period has elapsed, within 14 calendar days) that shows complete resolution of the cited non-conformity; or
 - C.5.2 Submits notice to IOAS, **within 14 calendar days** of its intent to appeal the decision of the AC.
- C.6 In the event of C5.1, the corrective action documentation is reviewed through the normal IOAS process.
- C.7 In the event of C.5.2, Section D below is followed.

D Procedures - Appeals

- D.1.1 The CB shall notify IOAS within **14 calendar days** of the final decision of its intention to make an appeal. The appeal itself, if the CB intends to proceed, shall be lodged with the IOAS within **28 calendar days** of notification of the decision of the AC. Refer to Annex 1 for overview of timeline.
- D.1.1.1 Upon receipt of the intent to appeal notice, the IOAS finance department is asked to issue an invoice for the US\$2000 appeal fee with the same due date as that given for submission of the formal appeal, and the CB is informed by the QD that the appeal will not proceed unless payment is received by the deadline. The appeal fee will be reimbursed by IOAS if the appeal is upheld.
- D.1.2 Within **7 calendar days** of receipt of an appeal, an evaluation shall first be made by the QD and ED (with input from other staff as needed) as to whether the appeal is valid in terms of the criteria in the policy section above. In addition, the evaluation for validity includes an examination of the basis for the appeal.
- D.1.2.1 In cases where the accreditation decision was based upon distinct, well-defined requirements, the appeal may be determined to be invalid by the QD/ED. Such cases may include but are not limited to: Indisputable evidence of failure to pay fees or to adhere to an established payment agreement; Indisputable evidence of failure to adhere to conditions applicable to suspended status; Indisputable evidence of failing to provide NC response by agreed due dates; Indisputable evidence of providing falsified documentation or information to IOAS, etc.
- D.1.2.2 In cases where the appeal arguments submitted by the CB are solely based on new, continued, or future corrective actions or plans, the appeal may be determined to be invalid by the QD/ED.
- D.1.2.3 The CB is informed of the results of this evaluation. Any notice of acceptance of validity shall explain how the appeal will be conducted. Any notice of invalidity of the appeal shall explain the reasons for this determination and shall make clear that this decision is final and not subject to further appeal. Such notices are sent via Registered Email.
- D.1.3 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 reserves 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.
- D.1.4 Appeals shall include argumentation supporting the appeal and any documentary evidence to support the claim that the IOAS decision was unfounded or inappropriate.
- D.1.5 The appellant shall be informed of the proposed date of the hearing. This shall be no later than **42 calendar days** from receipt of the appeal.
- D.1.6 President of the BoD shall be informed of the appeal and the Quality Director will proceed to assemble the Appeals Committee.
- D.1.7 The appellant shall be invited for part or all of the hearing. A maximum of three people (not including an interpreter, when needed) shall represent the appellant.

- D.1.8 The Chair of the Accreditation Committee (or designee), IOAS Technical Director, IOAS Quality Director and any other IOAS team member may participate in the hearing but do not carry voting rights.
- D.1.9 The appellant shall be informed of the proposed date of the hearing.
- D.1.10 The appeal meeting shall be conducted in English. If needed, the appellant shall provide their own interpreter.
- D.1.11 Comprehensive papers shall be provided to the Appeal Committee at least 5 calendar days before the meeting. These shall consist of:
- D.1.11.1 A paper prepared by IOAS staff providing full background on the CB and the lead up to the decision that is being appealed. This paper shall include (but need not be limited to) information as follows:
- i. The task before the Committee
 - ii. The stage in the IOAS process
 - iii. List of documents being provided – where relevant this should at least include the visit report which is the basis of the findings being appealed
 - iv. The schemes and scopes to which the decision applies
 - v. Sanction history
 - vi. Sequence of events including assessment of timelines against policy
 - vii. Reasoning for IOAS decision
 - viii. Content and analysis of the CB appeal
 - ix. Implications of suspension
 - x. Summary
 - xi. Staff recommendation
- D.1.11.2 A copy of the IOAS communication to the CB of the disputed decision.
- D.1.11.3 Relevant IOAS policies but at least this policy (PL0504).
- D.1.11.4 All documentation provided by the CB as part of their appeal.
- D.1.11.5 Any other documentation deemed useful.
- D.1.12 An agenda for the meeting with the CB shall be sent to all participants at least 5 calendar days before the meeting.
- D.1.13 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 to allow for an orderly process:
- Part 1
- Meeting opens
 - Appointment of Chair and minute keeper
 - Appeal Committee pre-meeting
- Part 2
- 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

Part 3

- Appeal Committee discussion and decision
- Meeting close

D.1.14 All participants may speak. The meeting between the parties shall be recorded whenever possible and acceptable to all parties. Preferably, each of the three parts of the meeting shall be recorded separately. In order to facilitate this and to restrict unauthorized access to all three recordings, three separate meeting invites are created and sent to the relevant parties, corresponding to the three parts of the appeal hearing.

D.1.15 The decision of the Appeals Committee shall be sent to the appellant within **4 calendar days** of the meeting via Registered Email. Minutes of the Appeals Committee shall be circulated to the Appeal Committee. The decision letter must clearly state the implications of the decision, including any and all restrictions imposed on the CB.

D.1.16 The original decision for an adverse action (suspension, withdrawal, termination) is not made public or enacted until the time-period allowed for appeal has expired, or the CB has confirmed that it does not intend to appeal. The date of adverse action enactment is either the date that the CB confirmed it does not intend to appeal or the date of the appeal decision letter to the CB (in cases where the original decision is upheld, and the appeal is rejected by the Appeals Committee). However, any deadlines imposed at the time of the original decision remain in effect.

D.1.17 The decision of the Appeals Committee is considered final, and no further appeal is possible (except under the Canada Organic Regime – see point D.2 below). The appellant shall be informed of the reasons for any decision denying the appeal.

D.1.18 The AC and the full Board are notified of the outcome of all appeals.

D.2 Canada Organic Regime

D.2.1 Requests for further appeal to the Canada Organic Office must follow the procedures outlined in the Canada Organic Regime Operating Manual.

D.3 IOAS Corrective Actions

D.3.1 Whenever an appeal is upheld, the IOAS Quality Director shall determine whether the initial decision was overturned as a result of a failing on the part of the IOAS. If that is determined to be the case, the Quality Director shall decide upon appropriate corrective actions.

D.3.2 The implementation of corrective actions shall be done in a timely manner.

D.3.3 The implementation of such corrective actions shall be checked during the course of internal audits or management reviews.



D.4 IOAS Record Keeping

D.4.1 Full records of all appeals, of final decisions and of follow up actions (if any) will be maintained as follows:

D.4.1.1 Minutes of Appeals Committee meetings shall be taken in accordance with the IOAS Minutes Policy document.

D.4.1.2 The recording (when made) of the Appeals Committee hearing shall be retained.

D.4.1.3 The updating of the appeals register will be the responsibility of the Quality Department.

Annex 1

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

Step		Timeline	Cumulative time
1	Issue of contested accreditation decision	0	0
2	Time by which CB has informed IOAS whether it wants to appeal	+14	14
3	Time by which appeal must be received	+14	28
4	Assessment of validity and acknowledgement & notification of relevant scheme owners and authorities.	+7	35
5	Establishment of Appeals Committee	+14	49
6	Papers sent to Appeals Committee	5 days before meeting	No more than 65
7	Appeals Committee Meeting	Within 42 days of appeal receipt	No more than 70
8	Appeals Committee decision communicated to CB and relevant scheme owners and authorities.	+4	No more than 74