

Title: Handling of Appeals Procedure

1. Purpose

This procedure sets the criteria and **steps** for **JAS-AU** in dealing with an appeal received from a CAB. This procedure gives also guidance and instructions to the CABs if they intend to appeal against adverse decisions made by **JAS-AU** regarding their accreditation proceedings/ status. It also defines the mechanism for the appointment of the Appeals Committee, as well as its responsibilities and operation.

2. Scope

This procedure covers adverse decisions taken by **JAS-AU** regarding:

- Refusal to accept an application
- Refusal to proceed with an assessment
- Corrective action requests
- Changes in accreditation scope
- Decisions to deny, suspend or withdraw accreditation (**fully/partially**) and
- Any other action that impedes the attainment of accreditation desired by the CAB

3. Definitions

Refer to **JAS-AU's** Guideline JAS-G01: Accreditation and Conformity Assessment – Vocabulary, Definitions and General Abbreviations)

4. Responsibilities:

As defined in the **Rules for formation and Operation of the Appeals Committee (APC), JAS-R03.**

5. Members:

- 5.1 **JAS-AU director/ DASS decides upon the formation of the APC, which shall include:**
- 5.1.1 **Two neutral experts in the relevant field of appeal from private and public sector.**
- 5.1.2 **Representative from the Steering Committee.**
- 5.1.3 **Legal advisor.**
- 5.1.4 **JAS-AU staff can't attend unless invited by the committee for the hearing session.**

Refer to QP-044 and JAS-R03.

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6. Procedure:

- 6.1 Appeal is submitted in writing to **JAS-AU**, using the Appeal Notice Form qf075-01, within thirty days of receiving **any adverse decision taken by JAS-AU. JAS-AU is responsible for gathering and verifying all necessary information to validate the appeal. JAS-AU acknowledges receipt of the appeal and provide the appellant with progress reports and the outcome** If the CAB submit an appeal notice within the thirty days referred to above, the director of **JAS-AU** shall confirm to the CAB receiving its appeal notice within one week following its receipt and that its appeal is being under process. There shall be no change in the CAB status (accredited/ non-accredited) until the Appeals Committee (APC) makes a final decision regarding the appeal. If necessary, the CAB will be granted an extension of the validity of its accreditation until the decision of APC is made.
- 6.2 The composition of the appeals committee shall **ensure** the necessary impartiality.
- 6.3 The Appeals Committee shall safeguard and protect the confidentiality of all the information and documents with which they became acquainted during their work and according to the confidentiality procedure QP-041 agreed upon with JAS-AU and shall be free from any commercial, financial and other pressures that might influence their decision. They shall disclose to JAS-AU all their interests with CABs. All member shall sign a declaration of impartiality and confidentiality form qf041-01
- 6.4 The Director of JAS-AU shall obtain the approval of the appellant CAB on the proposed names of the APC members before proceeding with the appeal procedure.
- 6.5 Once the appellant CAB approves the APC members' names, the Director of JAS-AU shall send an appointment letter to the members describing the scope of the appeal and their responsibilities. Also, APC member shall sign the agreement between AU and APC member form, qf075-02.
- 6.6 If the potential members of APC confirm their participation, APC Secretary is responsible for sending them the details of the appealed decision, the appeal notice received from the CAB, relevant assessment reports as well as copies of relevant JAS-AU procedures e.g. QP-071, QP-075, QP-076 and the current Accreditation Instructions and Rules.
- 6.7 The quorum of APC meetings is 3 voting members. If voting is required, the decision is taken by the majority of three members
- 6.8 If three members among whom the legal advisor have attended the meeting and voting is required, the legal advisor will not have the right to vote.
- 6.9 The decision shall be taken and the CAB shall be informed within two months from the date of receiving the appeal in writing.
- 6.10 If the appeal was accepted and justified by APC, the JAS-AU's adverse decision, against which the appeal was made, shall not be implemented and the CAB accreditation procedure shall continue as normal.
- 6.11 Whereas, if the appeal was rejected by the APC, the CAB shall implement the relevant **JAS-AU's** adverse decision and the Director of **JAS-AU** will be responsible for taking all consequent decisions resulting from the APC decision (e.g. informing **JAS-AU** in charge

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of sections and assessors, changing the accreditation scope, withdrawing the accreditation, etc...).

- 6.12 The decision of APC is deemed final unless one of the concerned parties decide to appeal to court within 30 days from the APC decision.**

7. Related Documents

- 7.1** Instructions for Administration of Accreditation **Procedures** of Conformity Assessment Bodies No. (4) For the Year 2016
- 7.2** ISO/IEC 17011: General requirements for **accreditation** bodies **accrediting conformity assessment bodies.**
- 7.3** JAS-AU's Quality Manual, QM-01
- 7.4** Appointment and Operation of Accreditation Committees Procedure, QP-044.
- 7.5** Application, Assessment and Accreditation Procedure, QP-071.
- 7.6** Surveillance and Re-assessment Procedure, QP-76
- 7.7** Rules for Formation and Operation of the Appeals Committee (AP), JAS-R03
- 7.8** **Protecting Confidentiality Procedure, QP-041**

The following documents are defined as quality records for the purpose of Section 5.4 of ISO/ IEC 17011:

- 7.9** Appeal Notice form; qf075-01
- 7.10** Agreement between JAS-AU and Appeals Committee Member, qf075-02
- 7.11** Declaration of **Impartiality and Confidentiality**; qf041-01