



TITLE: APPEALS
NUMBER: SP 009
OWNER: LORNA MYERS

1. Introduction

An appeal is the ultimate means by which a WQA client or other affected party can request the independent review of a WQA decision taken in the process of certification/registration.

The process may be initiated with regard to any decision made on behalf of WQA which cannot be resolved through other channels.

Rather than reproduce the system requirements, this procedure serves as a guide to the overall Appeal procedure and reference must be made to the full Regulations and Conditions in all cases.

2. Regulations and conditions

The Regulations and conditions governing the appeal process provided by WQA allow that:

Any Appellant may, within 21 working days after having officially been informed of any decision made by the Management Committee of WQA, give notice in writing to the Operations Manager of WQA of the desire to appeal against that decision.

Pending the results of an Appeal, the decision which is the subject of appeal shall stand. In the event of the Appellant wishing to appeal against a decision which effectively terminated the use of the logo, the relevant clauses in the pertinent Regulations and Conditions shall apply until such time as a decision has been reached by the Appeal Panel.

Consideration of an Appeal assumes that the decision in question has:

- Already been correctly conveyed under the terms given by the Regulations.
- Previously been reviewed and confirmed by the Operations Manager
- Previously been subject to all appropriate means of addressing and resolving the issue.
- Is not pursuant to the pertinent clauses of the appropriate Regulations and Conditions

The Appeal is heard by an independent Appeal Panel and the Appellant is then notified of the decision.

The Operations Director's decision stands pending the results of the appeal.



3. Definitions

Definitions in regard to Appeals may be found in the relevant Conditions of Contract publications.

4. Procedure for hearing an appeal

The Notification of an Appeal must be received in writing by the Operations Director of WQA within 21 days of being served with the decision. On receiving such notification of an Appeal, the Operations Director of WQA will arrange and attend the hearing of the Appeal to record the proceedings and is also responsible for ensuring the following:

4.1.1 Formal Communication

All communications with the Appellant are in writing and are served on the Appellant at the address given on the Licence or the Registered Office in accordance with current System Regulations, or if the Appellant is not a client at the address nominated by them.

A record is retained of the despatch of notices.

4.1.2 Establishing an Appeal Panel

An Appeal Panel consists of a Chairman and two independent persons who are appointed from an independent quality organisation specifically to hear the appeal. This is to ensure absolute impartiality in the matter.

No member of the Appeal Panel shall have any direct commercial interest in the subject of appeal or be a member of the WQA Management Committee.

4.1.3 Arranging a Meeting of the Appeal Panel

A meeting of the Appeal Panel is held within 30 working days of receipt of the Notification of Appeal from the Appellant.

The Appellant is given at least 7 working days notice of the time and place of the meeting and is advised of the names of the Chairman and Members of the Appeal Panel. The Appellant may object to one or more of the Appeal Panel, giving reasons in writing to the Administration manager of WQA.

If the Operations Director considers these reasons to be valid then the establishment of the Appeal Panel shall be repeated.

The date of the hearing of the appeal may then be delayed by a further period of up to 30 working days from the date the Appellant made the objection to the Appeal Panel.

4.1.4 Conduct of the Hearing by the Appeal Panel

The Chairman of the Appeal Panel ensures that:



- The Appeal Panel first hears, in confidence, a presentation by the Appellant, who is asked to remain available for possible further questions.
- The Appeal Panel next hears, in confidence, a presentation by WQA who is asked to remain available for possible further questions.
- The Appeal Panel evaluates the representations put by the two parties and after due consideration and further questioning if required, make a decision. The decision of the majority of the Appeal Panel as declared by its Chairman and shall be final and conclusive, subject to pertinent clauses of the relevant Regulations and Conditions.
- The Administrator of WQA who will be present at the Appeal hearing, records the proceedings and the decision of the Appeal Panel.

4.1.5 Notification of the Decision of the Panel

The Operations Director of WQA notifies the Appellant and the Competent Authority, if applicable, in writing of the decision reached by the Appeal Panel, within 5 working days from the date of the Appeal hearing.

5. Redress

In the event of the Panel reaching a decision to revise the original decision made by WQA, redress is limited to the declaration by WQA of the revised decision in the same manner as the original decision was declared. There shall be no liability for loss or damage upon the original decision.

6. Records

Records of all appeals, proceedings and correspondence are held by the Operations Director of WQA indefinitely.