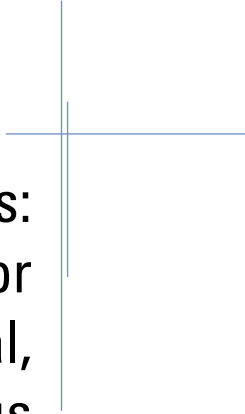





Standards Council of Canada
Conseil canadien des normes



Accreditation Programs: Requirements and Procedures for Suspension and Withdrawal, Complaints, Appeals and Hearings

CAN-P-15
March 2000

**ACCREDITATION PROGRAMS:
REQUIREMENTS AND PROCEDURES
FOR
SUSPENSION AND WITHDRAWAL, COMPLAINTS,
APPEALS AND HEARINGS**

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FOREWORD

The Standards Council of Canada ("the Council") is a Crown corporation established by an Act of Parliament in 1970, amended in 1996, to foster and promote efficient and effective voluntary standardization in Canada. It is independent of government in its policies and operations, although it is partially financed by Parliamentary appropriation. The Council consists of members from government and the private sector.

The mandate of the Council is to promote the participation of Canadians in voluntary standards activities, promote public-private sector co-operation in relation to voluntary standardization in Canada, co-ordinate and oversee the efforts of the persons and organizations involved in the National Standards System, foster quality, performance and technological innovation in Canadian goods and services through standards-related activities, and develop standards-related strategies and long-term objectives.

In essence, the Council promotes efficient and effective voluntary standardization in Canada in order to advance the national economy, support sustainable development, benefit the health, safety and welfare of workers and the public, assist and protect consumers, facilitate domestic and international trade and further international co-operation in relation to standardization.

In addition, the Council serves as the government's focal point for voluntary standardization, represents Canada in international standardization activities, sets out policies and procedures for the development of National Standards of Canada, and for the accreditation of standards development organizations, of certification bodies, of calibration and testing laboratories, of quality and environmental management systems registration organizations, and of quality management systems and environmental auditor certifiers and training course providers, and promotes and supports the principle of recognition of accreditation or equivalent systems as a means of decreasing the number of multiple assessments and audits, both in Canada and with Canada's trading partners.

This document is one of several issued by the Standards Council of Canada to define the policies, plans, and procedures established by the Council to help achieve its mandate.

Requests for clarification and recommendations for amendment of this document, or requests for additional copies, should be addressed to the publisher directly or by accessing the SCC Internet web site at: <http://www.scc.ca>.

PREFACE

This document forms part of a series of Standards Council of Canada (SCC) CAN-P documents dealing with the voluntary accreditation of organizations involved in standards development, product certification, calibration and testing, quality management systems (QMS) and environmental management systems (EMS) registration, environmental and quality auditor certifiers and training course providers. From time to time the actions of certain accredited organizations may prompt the SCC to take suspension action. It is also possible that organizations may choose to leave an SCC accreditation program. There may be a circumstance in which an organization may elect to appeal an accreditation decision taken by SCC or may request a hearing to address a perceived wrongdoing. In addition, the SCC has a procedure to address formal complaints related to any accreditation program actions.

The objective of this document is to define the process by which accredited organizations may be suspended or have their accreditation withdrawn, along with the process of appeals and hearings. This document also contains procedures to handle formal complaints from users, providers or subcontractors related to SCC accreditation programs and services.

This document specifies procedures that are intended to ensure that all interested parties may address the process of accreditation withdrawal or suspension, or lodge formal complaints in an orderly and transparent way, at minimum cost and with proper safeguards for the integrity of the SCC accreditation programs. It also includes procedures for appeals of and hearings on decisions made as a result of such actions. It is noted that there will be costs associated with the appeal and hearing process that could be at the expense of the SCC or the client, depending upon the outcome.

This Preface is not an integral part of this document.

SCOPE

1. This document outlines the requirements and procedures for suspension or withdrawal of accreditation by the Standards Council of Canada (SCC) as well as procedures for the voluntary termination of its accredited status by an accredited organization (see Preface and Article 6) and for lodging of formal complaints by any interested party. It also provides the procedures for appeals and hearings related to decisions made on matters within this scope.

RELATED DOCUMENTS

2. The following is a list of documents containing the SCC accreditation criteria and procedures for the indicated SCC accreditation programs. Readers always should seek the latest versions of these documents and may obtain that information by calling the SCC or by visiting the SCC Internet Web Site at: <http://www.scc.ca>.

CAN-P-1	Criteria and Procedures for Accreditation of Standards Writing Organizations
CAN-P-3	General Requirements for Bodies Operating Product Certification Systems
CAN-P-4	General Requirements for the Competence of Testing and Calibration Laboratories
CAN-P-10	Criteria for Accreditation of Organizations Registering Quality Systems
CAN-P-912	Criteria and Procedures for Accreditation of QMS Auditors Certification Organizations
CAN-P-913	Criteria and Procedures for the Approval of QMS Auditor Training Course Providers
CAN-P-14	Criteria and Procedures for Accreditation of Organizations Registering Environmental Management Systems (EMS)
CAN-P-1412	Criteria and Procedures for Accreditation of Environmental Auditors Certification Organizations
CAN-P-1413	Criteria and Procedures for the Approval of Environmental Auditor Training Course Providers
CAN-P-1500	Additional Requirements for the Accreditation of Certification Bodies
CAN-P-1515	Conditions for the Accreditation of Calibration and Testing Laboratories

CAN-P-1517	Conditions and Procedures for Accreditation of Organizations Registering Quality Systems
CAN-P-1518	Conditions and Procedures for Accreditation of Organizations Registering Environmental Management Systems (under development)
CAN-P-1527	Guidelines for Corrective Action to be Taken by a Certification Body (ISO/IEC Guide 27 to be adopted)
CAN-P-1543-1	Proficiency testing by interlaboratory comparisons – Part 1: Development and operation of proficiency testing schemes (ISO/IEC Guide 43 to be adopted).
CAN-P-1543-2	Proficiency testing by interlaboratory comparisons – Part 2: Selection and use of proficiency testing schemes by laboratory accreditation bodies (ISO/IEC Guide 43 to be adopted).

APPLICABILITY

3. This document applies to organizations, accredited by the SCC, wishing to voluntarily terminate their accredited status, or having been informed that suspension or withdrawal is being considered due to failure to conform to program requirements and procedures, wishing to launch an appeal or request a hearing. In addition, the document also applies to formal complaints from users, providers or subcontractors related to SCC accreditation programs and services.
4. This document is to be used in conjunction with the appropriate accreditation program documentation. Program-specific requirements and procedures (if any) can be found in the applicable Annex to this document.

DEFINITIONS

5. For the purposes of this document, the following definitions shall apply:

Appeal: A formal request in writing, given in accordance with and as provided for in this document, that a suspension of accreditation be reinstated or that a proposed withdrawal of accreditation be negated or that the handling of a complaint has not been satisfactory.

Complaint: Formal statement or allegation against, inter alia, SCC staff, procedures, criteria, assessments, audits, as applied to or by SCC volunteers, clients, accredited organizations including users of products or services offered by those groups.

Council: The appointed Board of the Standards Council of Canada.

Hearing: The opportunity to formally present verbal argument in support of an appeal to the SCC committee responsible for review of the appeal.

Interested Party: In respect of an accreditation, any person or body having an interest in the outcome of the accreditation for the purpose that is neither frivolous nor vexatious.

NACE: Nomenclature of economic activities; established by the European Community to meet the requirements of statistics within the Community.

National Standards System: The system for voluntary standards development, promotion and implementation in Canada.

PALCAN: The SCC's Program for the Accreditation of Laboratories – Canada.

QMS Registrar Program: The SCC Quality System Accreditation Program for the accreditation of QMS Registrars.

Standards Council of Canada (SCC): SCC refers to the organization (Note: "Council" refers to the 15 appointed members).

Suspension of Accreditation: The temporary removal by SCC administrative action of all or part of an accredited organization's scope of accreditation, pending corrective action by the accredited organization or formal withdrawal of accreditation by SCC.

Voluntary Withdrawal: The voluntary surrender of accredited status by a SCC-accredited organization.

Withdrawal of Accreditation: The removal by SCC of all or part of an accredited organization's accreditation. Partial withdrawal may apply where an accredited organization is accredited specifically for tests, products or registration scopes that may be treated individually for accreditation purposes. See also Article 19.

VOLUNTARY WITHDRAWAL

6. An accredited organization may voluntarily terminate its accreditation at any time by providing thirty (30) days' written notice to the SCC. Any unpaid fees must be paid upon notice of voluntary withdrawal. Failure to make payment will result in recovery action.

COMPLAINTS

7. Should an interested party consider that the actions taken by the SCC during the accreditation process or actions taken by an accredited organization have produced results considered inappropriate by the party, that party may lodge a formal complaint with the SCC.
8. The complaint must be made in writing although verbal or other forms of communication may be made in the initial steps to advise the SCC that a formal complaint may be expected. It should be noted that the SCC will not take any direct action until the written complaint is received. The formal complaint is to be addressed to the SCC's Executive Director, who shall refer the complaint to the Manager of the affected SCC program.
9. The Manager of the affected program shall process the complaint. Complaints relating to the accreditation application process shall be treated as an appeal, as described in Annex A.
10. Complaints that address other program issues not directly related to the processing and approval of accreditation applications are to be sent in writing to the SCC's Director, Conformity Assessment. The complaint will then be processed following the SCC's Quality Management Systems procedures and instructions.
11. Complaints dealing with Standards Development Organization (SDO) accreditation program issues, not directly related to the processing and approval of accreditation applications, are to be sent in writing to the SCC's Director, Standards.
12. Issues arising from the complaints process, including timeliness, shall be referred for resolution to the Executive Director.

SUSPENSION/WITHDRAWAL

13. An accredited organization that is found not to comply with the relevant terms of accreditation, including non-payment of outstanding invoices, will be notified in writing by the appropriate Senior Program Officer, and requested to take appropriate corrective actions. Provided appropriate corrective action is taken, no suspension action will be necessary.
14. If the subject organization does not initiate the corrective actions requested, or come to some agreeable arrangement for correction, and so advise the SCC in writing within thirty (30) days of being notified under Article 13, the SCC shall, by written notice, suspend its accreditation until it receives notice satisfactory to it of completion of said actions. When suspension action is taken, clients, potential clients and the public will be notified by the posting of a Suspension Notice on the SCC website. In the case of accredited laboratories, this notice shall take the form of an amended scope of accreditation. Provided appropriate corrective action is taken within 30 days, the appropriate SCC Senior Program Officer may take administrative action to drop suspension action. In the case of the certification (product and services) program wherever regulators/safety councils are involved, they will be advised of the SCC suspension action. They will also be advised of any reinstatement action taken.

15. For some of the laboratory accreditation Program Specialty Areas (PSAs), there are specific and differing suspension and withdrawal criteria and timeframes. In some cases, immediate suspension may be required. Where these are relevant, the PSA suspension criteria contained in the PSA's CAN-P document will take precedence over this document. Where the relevant CAN-P is silent, this document shall apply.
16. If the organization initiates but does not or cannot complete the required actions within a further sixty (60) days from the date the original corrective action was requested, it will be subject to suspension except as provided below. Partial withdrawal of accreditation is possible for certain programs such as PALCAN in which some laboratory test methods may be withdrawn or such as the QMS Registrar Program in which the accreditation of some NACE codes may be withdrawn. While suspended, the accredited organization loses the privileges of accreditation, but can still act to avoid withdrawal. The letter of suspension details the restrictions imposed on the accredited body as a result of suspension action.
17. If immediate suspension of an organization for failing to conform to accreditation requirements and procedures appears to the Manager of the affected program to be warranted, the organization will be advised in writing that a recommendation will be forwarded to the appropriate SCC Task Group. The Director, Conformity Assessment, taking into account the recommendation of the appropriate Task Group, will decide whether or not to suspend the organization.
18. The organization has the right to appeal its case in writing to the SCC within thirty (30) days of receiving the notice advising that the organization is suspended and that its accreditation may be withdrawn.
19. If an appeal is not made or corrective action satisfactory to the Manager of the affected SCC Program is not taken within the thirty (30) day period referred to in Article 18, the Council will be asked to withdraw the accreditation. The Manager of the affected SCC program shall so advise the organization and other parties affected, including Regulatory/Safety Authorities as applicable, in writing.
20. When the organization has been suspended, the organization and any affiliated parties shall act in accordance with relevant and applicable Articles in this document. The organization shall immediately cease making reference to its SCC-accredited status in any promotional materials, or letterhead, in test reports (for laboratories) or in any other documents or media related to any suspended or withdrawn activities. It shall also cease displaying its Certificate of Accreditation on its premises and cease any use of the SCC logo.

APPEAL/HEARING

21. If an appeal is made or a hearing is requested within the thirty (30) day period required by Article 18, an ad hoc committee will be appointed by the Executive Director to review the appeal and make a recommendation to the Council. If no hearing is requested, the Ad Hoc Committee will review the appeal based on the evidence available. If a hearing is requested, it shall be scheduled as soon as practicable.

22. The decision of the Council on whether or not the accreditation shall be withdrawn based on the evidence provided for the appeal review or during the hearing, or both, will be final. The terms of the suspension remain in effect until the Council reaches a decision on the appeal.
23. Annex A contains details of the procedure for such appeals or hearings, including a flow chart describing the SCC Suspension/Withdrawal Process.
24. The accredited organization acknowledges and agrees that the SCC or any of SCC's directors, officers, employees and agents shall not be liable to an accredited organization for any claims, damages, expenses, demands, losses, including lost revenue or profits, or any special, consequential or indirect damages whatsoever, arising from or incidental to the suspension or withdrawal of accreditation by the SCC, including, without limitation, in the event where, following an appeal or hearing instituted by an organization, the accredited status of that organization is reinstated by the SCC.

REAPPLICATION

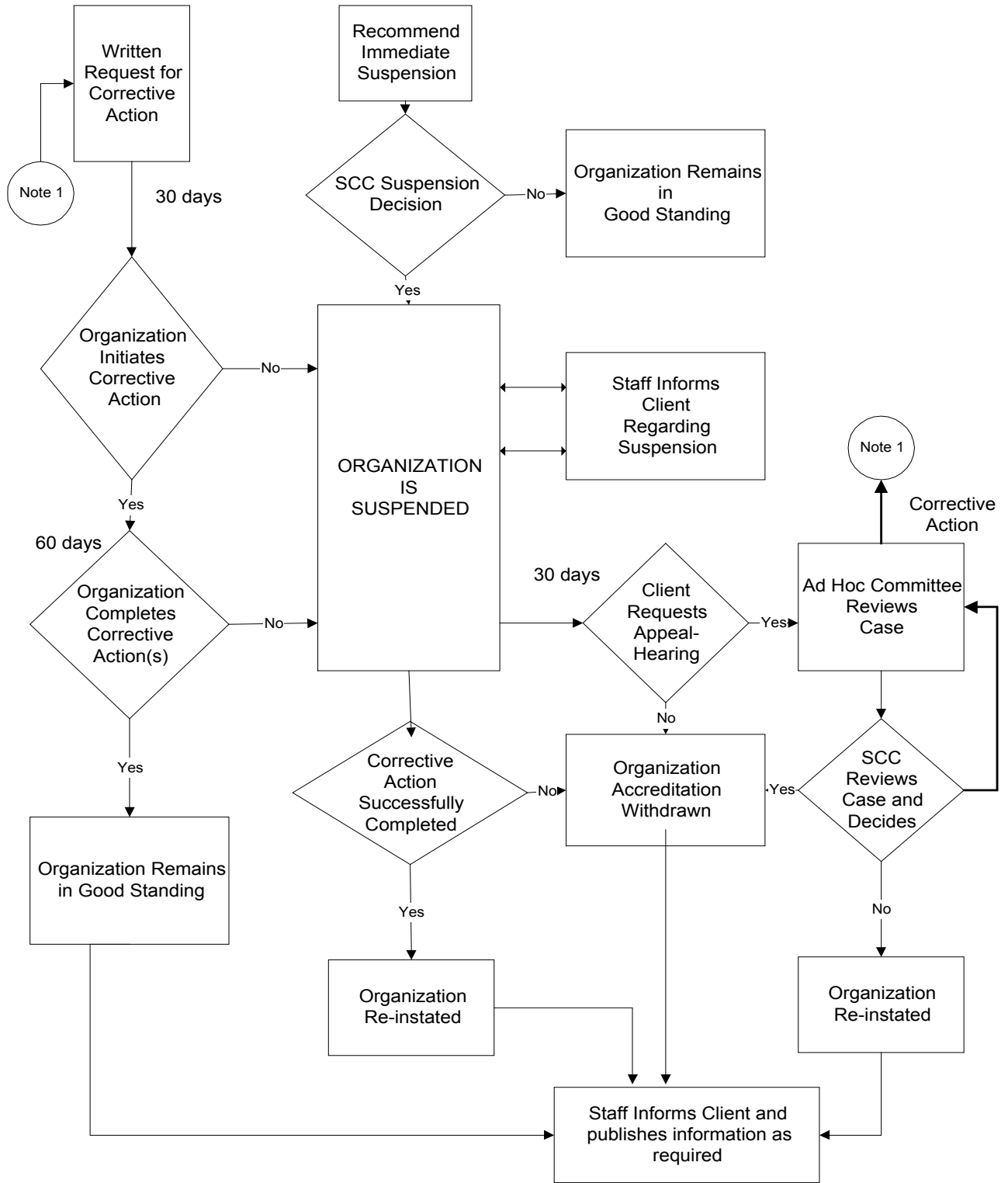
25. Ending an accreditation, either by voluntary withdrawal or through the suspension and withdrawal process, will not preclude an organization from applying for accreditation at a future date. Such a re-application will be evaluated under the same requirements and procedures applicable to every other applicant at the time of application. Re-applications will not be accepted by the SCC until three (3) months have passed since the withdrawal took place.

PUBLIC NOTIFICATION

26. All instances of withdrawal or voluntary termination of accreditation will be publicized by the SCC, including but not limited to notices being placed on the SCC Internet web site. In the case of the certification bodies (product and services) accreditation program wherever regulators are involved, the regulatory/safety authorities will be advised by the most expedient way possible of the SCC suspension action. They will also be advised immediately of reinstatement action taken.

**REQUEST FOR AN APPEAL OR FOR A HEARING
(See Article 19)**

1. Whenever possible, discussion and negotiations arising out of a dispute should produce agreement on the corrective action necessary for any matter serious enough to merit withdrawal of accreditation. Failing achievement of such a solution, the following procedures provide for a fair and equitable handling of a complaint, appeal or hearing. Any accredited organization or other interested party may lodge a complaint or appeal and request a hearing from the SCC.
2. In the case of a complaint or of a recommendation to suspend or withdraw accreditation, the SCC staff will notify the complainant of the decision in writing. The complainant will have thirty (30) days to file an appeal and request a hearing, should a hearing be desired. As part of the appeal, the complainant shall submit arguments and evidence in writing. When such an appeal or hearing is requested, the Executive Director of the SCC will set up an ad hoc committee as described below to adjudicate on the matter.
3. The Ad Hoc Committee will consist of not less than 3, or more than 5, members. It is considered desirable that Ad Hoc Committee members be knowledgeable with regard to the affected organization and the relevant SCC accreditation program matters. Members of the appropriate SCC Task Group, who are not the current assessors-of-record for the appealing organization, may be considered as members of the Ad Hoc Committee. Keeping the foregoing in mind, care will be taken to avoid any real or potential conflict of interest. Specifically, no member shall be a representative of a competing organization, nor a SCC staff member.
4. The recording secretary for the Ad Hoc Committee shall be a member of the staff of the SCC. One or more other staff members may also be required to attend the hearing as an observer(s), or to advise the Ad Hoc Committee on requisite details of the case.
5. The Ad Hoc Committee will arrange and conduct a hearing, if one is requested, and in any case, will complete its work within thirty (30) days of its formation. The Committee will make its recommendation (based on a simple majority) to the Council within thirty (30) days. Once the Council has made the final decision, within two weeks of receiving the recommendation of the Ad Hoc Committee, the Committee shall be disbanded. However, if the decision is for withdrawal of accreditation, nothing in the above is to be interpreted as precluding the organization from re-applying for accreditation at a subsequent date.
6. In the case of a hearing, the organization may be requested to pay in advance, in whole or in part, the estimated costs associated with travel and accommodation of the Ad Hoc Committee members to attend the hearing, and for the SCC staff time required for the hearing. If the suspension or the withdrawal is not upheld, the organization will be refunded any amount it has paid in advance for these costs, and any remaining amount will be waived. If the suspension or the withdrawal is upheld, the organization will be required to pay any remaining amount.



SCC SUSPENSION / WITHDRAWAL PROCESS