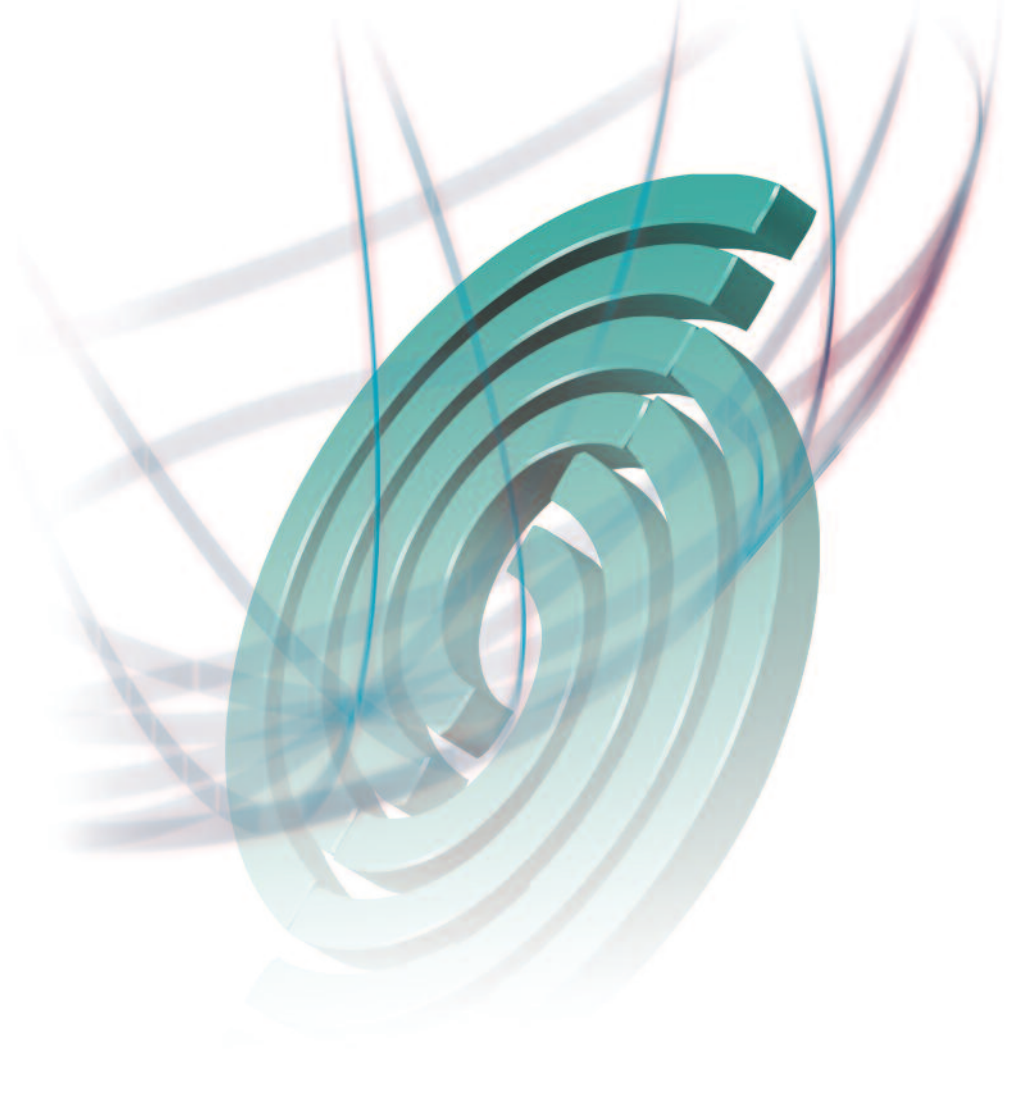




Standards Council of Canada
Conseil canadien des normes



SCC Conformity Assessment Accreditation
Program Requirements and Procedures
for the Suspension and Withdrawal
of Accreditations and the Resolution
of Complaints, Disputes and Appeals

CAN-P-15CA rev 1
September 2009

SCC CONFORMITY ASSESSMENT

ACCREDITATION PROGRAM REQUIREMENTS AND PROCEDURES

FOR THE SUSPENSION AND WITHDRAWAL OF ACCREDITATIONS

AND THE RESOLUTION OF COMPLAINTS, DISPUTES AND

APPEALS

CAN-P-15CA rev1

September 2009

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FOREWORD

The Standards Council of Canada (SCC) is a Crown Corporation established by an Act of Parliament in 1970 to foster and promote efficient and effective voluntary standardization in Canada. It is independent of government in its policies and operations, although it is financed partially by Parliamentary appropriation. The SCC includes a governing Council (the Council) that consists of (15) members from government and the private sectors that are appointed by the government.

The mandate of the SCC is to promote the participation of Canadians in voluntary standards activities, promote public-private sector cooperation in relation to voluntary standardization in Canada, coordinate 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 accreditation and other standards-related strategies and long-term objectives.

In essence, the SCC 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 cooperation in relation to standards and accreditation.

In addition, the SCC serves as the government's focal point for voluntary standardization and 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 product certification bodies, of testing and calibration laboratories, of management systems certification bodies, of inspection bodies and of personnel certification bodies. SCC also provides recognition services for programs such as proficiency testing providers and GLP practices under the OECD. SCC supports the principle of recognition of accreditation or equivalent systems as a means of decreasing the number of multiple accreditations required by conformity assessment bodies.

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

Requests for clarification and recommendations for amendment of this document, or requests for additional copies should be addressed to info@scc.ca

PREFACE

This document forms part of a series of Standards Council of Canada (SCC) Canadian procedural documents (CAN-P) dealing with the voluntary accreditation of product and services certification bodies, inspection bodies, calibration and testing laboratories, management systems certification bodies, personnel certification bodies and recognition of organizations for Good Laboratory Practices (GLP) and proficiency testing providers.

Accreditation and recognition by the SCC is a formal attestation of the competence of an accredited or recognized organization to manage and perform specific activities listed by the SCC. It is not a guarantee that the activities or results of the activities will conform to standards or agreements between the accredited or recognized organizations and their clients. Business transactions between these organizations and their clients are legal matters between the two parties.

The objective of this document is to define the processes for suspension or withdrawal of an SCC Accredited Organization as well as complaints, disputes and appeals.

This document specifies processes that are intended to ensure that all interested parties may lodge formal complaints against SCC or an SCC Related Body/Partner, or an SCC accredited or applicant organization, in an orderly and transparent way and with proper safeguards for the integrity of the SCC accreditation programs.

The processes for handling disputes and appeals concerning decisions made by SCC, or an SCC Related Body/Partner, or an accredited or applicant organization, are designed to ensure that the result of such actions, including suspension and withdrawal, can be objectively and impartially challenged and investigated.

This Preface is not an integral part of this document.

This issue dated January 2009 is the first edition of the CAN-P-15CA standard and replaces the requirement for the Conformity Assessment (CA) program contained in CAN-P-15 dated March 2000.

CAN-P-15 remains valid for other branches within SCC.

1. SCOPE

This document applies to all SCC conformity assessment accreditation programs. It outlines the processes for handling of suspensions or withdrawals of accreditation, complaints, disputes, and appeals. Additionally, it distinguishes between voluntary and enforced suspensions and withdrawals.

The processes described are designed to meet the requirements of ISO/IEC 17011, IAF Guidance documents and the considerations provided by ISO 10002 and ISO/PAS 17003.

2. RELATED DOCUMENTS

Accreditation program requirements are outlined in specific program handbooks found on the SCC website at www.scc-ccn.ca.

3. APPLICABILITY

This document applies to all conformity assessment accreditation¹ programs operated by SCC. In particular, it addresses:

- complaints, disputes or appeals from any person or organization concerning the conformity assessment accreditation services offered by SCC;
- complaints directed against SCC Related Bodies, Partners, or accredited organizations;
- appeals directed at SCC which seek to reverse or change decisions that have been made by SCC which affect SCC accredited organizations;
- disputes raised with SCC where a difference of opinion or interpretation on a program requirement justifies a formal documentation of the proceedings.

This document is to be used in conjunction with the appropriate conformity assessment accreditation program documentation and program specific requirements as referenced in Section 2.

4. DEFINITIONS

For the purposes of this document, the following definitions based on ISO/IEC 17011 and SCC conformity assessment operating procedures apply and are provided to facilitate understanding of the requirements herein:

Assigned Action Officer (AAO): an impartial person who is appointed to conduct a review and evaluation of a complaint, dispute or appeal.

Accreditation Program: a program operated by SCC that offers third-party attestation to a

¹ Where reference is made to accreditation, or accredited or accredited organization it is also meant to include recognition, recognized or recognized organization.

conformity assessment body (CAB) formally acknowledging the competence of the CAB to deliver conformity assessment tasks. Programs currently in place include:

- Calibration and Testing Laboratories
- Medical Laboratories
- Certification Bodies - Management Systems (MS)
- Green House Gas (GHG) Verification Bodies
- Certification Bodies (CB) – Products and Services
- Inspection Bodies (IB)
- Personnel Certification Bodies (PCB)
- Proficiency Testing Providers (PT)
- Good Laboratory Practices (GLP) for OECD

Appeal: A formal request by an accredited or applicant conformity assessment body (CAB) for reconsideration of any adverse decision made by the SCC related to the CABs accreditation status. Adverse decisions open to appeal include:

- Decisions to deny or withdraw (in part or in full) accreditation.
- Adverse decision resulting from a Dispute or Complaint.
- Other actions or decisions made by the SCC that impeded the attainment of accreditation.

Appeal Board (Board): is a panel of a minimum of 3-5 Council members appointed by the Executive Director that will evaluate an appeal. This panel may be augmented by additional SCC Advisory Committees or Task Group members as deemed appropriate by the Executive Director.

Appellant: an accredited organization or applicant organization filing an appeal.

Complaint: Expression of dissatisfaction, other than an appeal or dispute, by any person or organization, against SCC, an SCC Related Body/Partner or an accredited or applicant organization, where a response is expected.

Conformity Assessment Body (CAB): A body that performs conformity assessment services (other than an accreditation body).

Council: The appointed governing body of the Standards Council of Canada.

Non-Conformity: non-fulfillment of a requirement.

Dispute: A difference of opinion or interpretation on a program requirement which justifies a formal documentation of the conflict, opposing arguments and proceedings. Disputes may concern topics such as:

- a challenge of an assessment finding or corrective action request
- refusal by SCC to accept an application or proceed with an assessment visit
- interpretation of SCC policies, procedures or program requirements

NOTE: An unresolved dispute may be escalated to become a complaint or an appeal.

Hearing: The process where the Board hears verbal arguments on an appeal presented by an appellant.

IAF: International Accreditation Forum

ILAC: International Laboratory Accreditation Cooperation

Inquiry: A request for information, clarification, interpretation, or an expression of concern from the marketplace, concerning conformity assessment activities.

Related Body or Partner: a separate legal entity that is linked by common ownership or contractual arrangements to the accreditation body as described in ISO/IEC 17011 Section 4.1. A separate part of the government, outside the governmental accreditation body as described in ISO/IEC 17011 Section 4.1, is considered as a related body.

Suspension: A temporary invalidation of accreditation. Suspension can occur upon discovery of serious non-conformance(s). Suspension can apply to part or all the accreditation scope except where the option of dividing scopes is not available or not practical.

Voluntary Suspension or Withdrawal: A voluntary surrender of accredited status by an accredited or applicant organization for all or part of their accreditation.

Withdrawal of Accreditation: The cancelling of all or part of an accreditation.

5. INQUIRIES

5.1 Any person or organization may contact the SCC to request information related to SCC programs and services, including such topics as:

- interpretations of accreditation program requirements, policies and procedures;
- obligations arising from an MRA, MLA or Regulatory body;
- any request for information that is not a violation of the confidentiality of an accredited or applicant organization or Related Body;

5.2 SCC will acknowledge and respond to inquiries keeping in mind that some information sought may be protected by confidentiality requirements.

6. COMPLAINTS

6.1 Complaints must be submitted 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. The onus is on the complainant to provide the evidence and justification for the complaint. SCC will not take any direct action until the complaint is received in writing and supporting evidence has been provided.

6.2 Complaints should be addressed directly to the most relevant body (ex CAB, Related Body or SCC). SCC will become involved in complaints only when discussions with the receiver of the complaints have been unsatisfactory and exhausted.

6.3 SCC will acknowledge, document and follow up on all complaints and will assign a suitable person for handling of the complaint giving respect to matters of confidentiality, conflict of interest and impartiality. SCC validates the complaint, seeks additional information where necessary, investigates and replies to the complainant.

6.4 Unless specifically instructed otherwise by the complainant, SCC may involve other parties in the investigation and share the information received from the complainant.

7. SUSPENSIONS and WITHDRAWALS

7.1 Suspension, withdrawal and scope reduction procedures may vary under certain regulatory schemes. If your organization is accredited under a regulatory scheme, please contact SCC staff to confirm any scheme deviations to the policies and procedures contained in this document.

7.2 Suspensions are intended to be temporary. Suspensions shall be processed as withdrawals if re-accreditation is not completed by the next assessment date or within a 12-month period, whichever comes first.

7.3 While suspended (in full or in part), the accredited organization loses the privileges of delivering the accredited activities for the portion of the scope suspended. The letter of suspension details the restrictions imposed on the CAB as a result of the suspension action.

7.4 While under suspension or withdrawal, the CAB, and any affiliated parties, shall act in accordance with relevant and applicable articles in this document. The CAB shall immediately cease making reference to its SCC-accredited status for the suspended or withdrawn activities in any promotional materials, or letterhead, in test reports (for laboratories) or in any other documents or media. The CAB shall also cease displaying its Certificate of Accreditation on its premises and cease any use of the SCC logo when the full accreditation has been suspended or withdrawn. The CAB must also cease to use all other logos licensed through SCC related to their accreditation such as, but not limited to, the logos of IAF and ILAC.

7.5 Voluntary Suspensions or Withdrawals

7.5.1 An SCC accredited organization may voluntarily suspend or withdraw all or part of the accreditation at any time by providing written notice to the SCC. Requests must clearly state what is to be suspended or withdrawn and should indicate the reasons for the change. Requests will normally be processed within (10) days.

7.5.2 Any unpaid fees shall be payable to SCC at this time.

7.6 SCC Initiated Suspensions or Withdrawals

7.6.1 SCC may initiate suspension or withdrawal of an accreditation of a CAB. This might occur when it is found that the CAB has not complied with the relevant terms and conditions of accreditation, including payment of fees. The CAB will be notified of such a decision in writing by the SCC staff responsible for the file. The notification letter will state what is intended for

suspension or withdrawal, the reasons for proceeding, and additional actions required to effect the suspension or withdrawal. The CAB will be given 30 days to respond before the suspension is implemented. The CAB may:

- provide appropriate corrective action that is acceptable to SCC, or
- accept the suspension or withdrawal, or
- appeal the decision (refer to section 8 of this document).

7.6.2 When a decision on suspension/withdrawal has been made, that suspension/withdrawal shall go forward and remain in effect until the Appeal process is completed and a decision has been reached or as specified in clause 7.2 above.

7.6.3 When a CAB has chosen to appeal a suspension decision made by SCC and the decision is upheld, the CAB will be given 30 days after receiving the decision of the appeal to provide appropriate corrective action that is acceptable to SCC. Failure to take action within the 30 days may result in withdrawal of the accreditation.

7.6.4 For certain accreditation programs, such as PALCAN Program Specialty Areas (PSAs), there are specific and differing suspension and withdrawal criteria and timeframes. Where these are relevant, the suspension/withdrawal criteria contained in the relevant program documents will take precedence over this document.

7.7 Immediate Suspension by SCC

7.7.1 An immediate suspension (partial or full) of a CAB may be imposed by SCC when there is evidence to support that one or a number of critical non-conformances have been found or a CAB has declined an additional surveillance visit by SCC or when a CAB brings the accreditation body into disrepute. A CAB can appeal the decision for an immediate suspension according to Section 8.

8. DISPUTES AND APPEALS

8.1 Disputes

8.1.1 A CAB may submit a dispute when they do not agree with a non-conformity issued by SCC or from a difference of opinion or interpretation of an accreditation requirement. CABs may dispute an NCR within fourteen (14) calendar days of receipt of the findings report.

8.1.2 Disputes are generally handled and resolved by the SCC contact who has been assigned to that CAB's file, in consultation with the SCC Manager responsible for the accreditation program.

8.1.3 Depending on the nature, severity or complexity of a dispute, a dispute may be classified by SCC as complaint.

8.1.4 An unresolved dispute may be escalated to a complaint or appeal status.

8.2 Appeals

8.2.1 The appeal process is an independent review and evaluation of a decision made by the SCC that affects the accreditation status of the CAB. An appeal may typically relate to a decision made by SCC during a dispute resolution where the CAB was dissatisfied with the result and believes the original claim is still justified.

8.2.2 Where possible, the dispute process should be used prior to an appeal and every attempt should be made to resolve the issues when a CAB disagrees with a decision made by SCC.

8.2.3 A CAB may appeal a decision made by SCC which has an impact on their accreditation status.

8.2.4 When a decision on suspension/withdrawal has been made, that suspension/withdrawal shall go forward and remain in effect until the Appeal process is completed and a decision has been reached.

8.2.5 Appeals shall be submitted to SCC in writing within 30 days of the relevant SCC decision. All relevant supportive documentation must be included or referenced in the appeal submission.

8.2.6 Appeals shall be addressed to the Executive Director of SCC, who will in turn bring it to the attention of the Council.

8.2.7 The Appeal Board will review the opposing views and then render a decision on the matter. The appellant will then be informed of this decision, and the decision will be considered final.

8.2.8 Following the outcome of an appeal and the announcement of the decision by SCC, should the CAB believe that the appeal has not been satisfactorily addressed, the CAB has the option to file a complaint against SCC with IAF or ILAC.

8.3 Costs for Appeals and Hearings

8.3.1 The appellant has the option of requesting the appeal to be evaluated by either a person designated as the assigned action officer (AAO) or by a Board. When the appellant selects a Board to review the appeal, the appellant may also request a hearing.

8.3.2 An estimate of expected costs will be provided at time of appointment of the AAO. The appellant will be requested to provide a deposit of 35%, in advance.

8.3.3 When the appellant selects an appeal by Board, an estimate of the expected costs will be provided in advance. The appellant will be requested to provide a deposit of 35%, of the expected costs in advance.

8.3.4 The estimate may include costs, as applicable, for travel and accommodation of the Board members to meet, SCC staff attendance at hearing, and costs of special meetings of Council.

8.3.5 The request for Appeal or Hearing places the onus on the appellant to submit a comprehensive package of evidence and justification in writing, along with the request for appeal. The Executive Director or the Director, as appropriate, will review the request to ensure it is complete.

8.3.6 If the original decision is overturned, there will be no cost to the appellant for the process and the organization will be promptly refunded any deposit. If the decision is upheld, the appellant will forfeit the deposit and be required to pay any amount over and above the initial deposit.

8.4 Appointment of a Board or an Assigned Action Officer (AAO)

8.4.1 When a Board evaluation is selected by the appellant, the Executive Director will appoint a Board normally within 30 days of receipt of a complete application for appeal.

8.4.2 The Board shall normally consist of 3 to 5 members. One of the members of the Board will be appointed as the Chair by the Executive Director.

8.4.3 When an evaluation by an AAO is selected by the appellant, the same principles used to appoint a Board shall govern, except the appointment is to take place normally within 10 days of receipt of the appeal and supporting documents.

8.5 Selection of a Board or Assigned Action Officer (AAO)

8.5.1 The person or persons appointed to handle an appeal shall be selected on the basis of their knowledge, training and experience to evaluate the subject of the appeal, be independent of the issues and activities that led to the appeal, and shall have no conflicts of interest with the parties involved.

8.5.2 Members of the appropriate SCC Advisory Committees or Task Group, who are not the current assessors-of-record for the CAB, may be considered by the Executive Director to be appointed as members of the Board in addition to the 3-5 Council members already appointed by the Executive Director.

8.5.3 The Executive Director will appoint a recording secretary to the Board that shall be a member of the SCC staff.

8.6 Conducting an Appeal and Hearing

8.6.1 The Assigned Action Officer or Board, investigates, to the extent necessary, to determine if the claim from the appellant is founded or not. A report containing the findings from the evaluation is prepared and submitted to the Executive Director for review, recommendation and bringing forward to Council. The final decision will be made by Council.

8.6.2 When the appellant has requested a hearing, the Board will be responsible to make the necessary arrangements to conduct the hearing.

8.6.3 If it is determined that the claim by the appellant is founded and the recommendation is for the original decision to be overturned, the Assigned Action Officer or Board, is also required to recommend a remedial action.

8.6.4 The appellant will be informed of the decision and remedial action required, if any.

8.6.5 The Board will aim to complete its function, including any hearing, within thirty (30) days of its formation. The process using an Assigned Action Officer shall normally be completed within ten (10) days from his/her appointment.

9. INDEMNIFICATION AND LIABILITY

9.1 To the extent permitted by law and subject to and conditional upon any consent or approval required to be obtained from any governmental authority, a complainant or appellant agrees to release and to indemnify and hold harmless SCC and its directors, employees, contractors and subcontractors from any losses, damages, claims, liability, causes of action or demands or all costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorney's fees) arising out of or resulting from or in any way related to a breach, default, performance or non-performance of the obligations of the parties involved in the complaint or appeal.

9.2 A CAB is expected to maintain adequate and appropriate general liability insurance and professional liability insurance which specifically includes these obligations in its scope of coverage, or will have appropriate self-insurance.

10. REAPPLICATION

The ending of an accreditation, either by voluntary withdrawal or through the suspension and withdrawal process, will not preclude a CAB from re-applying for accreditation at a future date. Such a re-application will be evaluated under the same requirements and procedures applicable to new applications.

11. PUBLIC NOTIFICATION of SUSPENSIONS and WITHDRAWALS

When a suspension or withdrawal occurs, clients, potential clients and the public are notified by the posting of a notice on the SCC website and the scope of the CAB is amended to indicate the extent of the suspension or withdrawal. In addition, where other parties are involved, such as regulatory authorities, those parties shall also be notified by SCC of the changes in the accreditation status of the CAB.