



ATC

АКРЕДИТАЦИОНО ТЕЛО СРБИЈЕ

ATS-PR16

RESOLUTION OF COMPLAINTS AND APPEALS

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Any differences between the Serbian and English versions of this document are not intended, but if in doubt, the Serbian version should be consulted.



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1. SCOPE

This document shall lay down the procedure to be undertaken by the Accreditation Body of Serbia (ATS) when resolving complaints and appeals referred thereto when these relate to its decisions and work or the work of accredited conformity assessment bodies (CABs).

2. REFERENCE DOCUMENTS, DEFINITIONS AND ACRONYMS

- SRPS ISO/IEC 17011:2007, Conformity Assessment – general Requirements for Accreditation Body of Serbia (ATS) when resolving complaints and appeals referred thereto when these relate to its decisions and work or the work of accredited conformity assessment bodies (CABs);
- Law on Accreditation (“Official Gazette of the Republic of Serbia”, No.73/10);
- Decision on Amendments of the Act on Establishment of the Accreditation Body of Serbia (“Official Gazette of the Republic of Serbia”, No.14/11);
- **Decision on Amendments of the Act on Establishment of the Accreditation Body of Serbia (“Official Gazette of the Republic of Serbia”, No. 95/2016);**
- ATS-PA01, Rules of Accreditation.

Complaint: Expression of dissatisfaction, other than appeal, by any person or organisation, to an accreditation body, relating to the activities of that accreditation body or of an accredited CAB, where a response is expected.

Appeal: Request by a CAB for reconsideration of any adverse decision made by the accreditation body related to its desired accreditation status.

Note: Adverse decisions include: refusal to accept an application for accreditation, refusal to proceed with an assessment, corrective action requests, changes in the scope of accreditation, decisions to deny, suspend or withdraw accreditation, and any other action that impedes the attainment of accreditation.

3. COMPLAINT AND APPEAL RESOLUTION PROCESS

3.1 Complaint Resolution

Complaints shall be resolved by the ATS Director of the Accreditation Body of Serbia in keeping with this Procedure. Complaints can refer to the ATS work processes that include work processes of the ATS employees and external assessors and technical experts, and complaints about the work of accredited CABs.

3.1.1 Complaint Resolution Process

Complaints shall be made in writing to ATS **either in person at the ATS registry office** or by email/post. An Associate for Administrative, Technical and General Affairs from the General Section shall receive and file a complaint that was submitted, create a new file, number the file and submit it to the ATS **Deputy** Director. It is necessary to check, prior to filing the complaint and creating the new file, with a person responsible for reviewing and reporting on complaints as stipulated in the procedure (Deputy Director) whether the submitted document can actually be



treated as a complaint (existing address of the complainant, **explicit statement in the received text that it is a complaint/remark/dissatisfaction to which a response by ATS is required**, adequacy of submitted documents accompanying the complaint, etc.). The ATS Deputy Director shall review the complaint and propose to the Director the members of the Complaint Resolution Committee that shall be appointed by the Director (hereinafter referred to as the Committee). As a rule, the Chairperson of the Complaint Resolution Committee is the Deputy Director (hereinafter referred to as: DD) that is responsible for undertaking the complaint resolution procedure. The remaining two members of the Complaint Resolution Committee shall be selected among the employees, whereas the absence of business interest shall be taken into consideration, including a fact that members of the Committee must not be directly or indirectly involved in or connected with the activities that are the subject of the complaint in order to ensure independence, impartiality and objectivity.

The Complaint Resolution Committee shall **review** the complaint and prepare a report on how to resolve the complaint and submit it to the ATS Director.

After all the information relevant to the resolution of the complaint have been collected (even from an accredited CAB where necessary), the Complaint Resolution Committee shall compile a report that shall contain a proposal on how to resolve the complaint and submit the report to the ATS Director.

During the complaint resolution process the ATS Director can, as proposed by the Complaint Resolution Committee, make a decision on undertaking of the following actions:

- extraordinary surveillance assessment of an accredited CAB,
- **to check certain facts during a regular surveillance assessment and to inform the claimant about the result thereof,**
- extraordinary internal audit at ATS,
- to request an opinion from a relevant ATS technical body or organ.

Request for extraordinary surveillance assessment of CAB shall only be given if in making the decision about the complaint it is not otherwise possible to collect data about the circumstances that led to the complaint.

The ATS Director shall make a final decision on the complaint by taking into consideration the proposed solution that he/she received from the Complaint Resolution Committee **given in the Report on resolution of the complaint** and all the relevant information from the **complaint resolution file** that was submitted.

A complainant shall be informed in writing about the decision **i.e. a reply to the complainant is presented to him/her** no later than 30 days following the date of complaint filling at ATS. The Director shall send the complainant the information about the decision on complaint. **Shall the reply state that afterwards-during regular surveillance assessment of a CAB, certain additional facts will be checked, the complainant shall also be informed of the results thereof.**

A complaint resolution file shall contain: complaint in writing, all relevant resolution-related documents that were collected in course of the procedure, Complaint Resolution Committee report containing a proposed solution and the Director's decision – reply to the complainant - information about the complaint decision, planned actions to be undertaken so that there would be a clear proof of who was supposed to undertake what actions (if applicable), information – records on undertaken actions as a consequence of the complaint resolution.



3.1.2 Undertaking of Actions after the Complaints Have Been Resolved

By reviewing and resolving complaints ATS can also collect information that can be used to upgrade its management system.

ATS can undertake some of the following activities arising from complaint resolution process: corrective actions with the aim of resolving identified nonconformities in course of the complaint resolution process; preventive actions with the aim of preventing irregularities that caused dissatisfaction of the complainant; assessment of efficiency of undertaken corrective and preventive actions, and, if need be, further actions undertaken with the aim of upgrading the ATS management system. These actions can pertain to external persons belonging to the ATS **organs and bodies**, assessors/technical experts and accredited CABs.

The actions shall be undertaken in accordance with the procedure entitled *Nonconformities, Corrective and Preventive Actions and Improvement Actions (ATS-PR07)*.

Received complaints, resolution methods, decisions and actions that were undertaken shall be analysed once a year at the meeting of the ATS Board of Directors **as part of the management review activities**.

3.2 Appeal Resolution

ATS shall resolve appeals submitted thereto that pertain to any of adverse accreditation status-related decisions. The Appeals Committee (hereinafter referred to as the Committee) shall be responsible for the appeal resolution.

The ATS Management Board shall appoint members of the Appeals Committee.

The Appeals Committee shall be composed of seven members (**extended Committee**) one of which shall be appointed by the ministry in charge of accreditation affairs, while the remaining six members shall be appointed from the experts in the work of CABs: two members from experts in laboratories, two members from experts in inspection bodies, and two members from experts in certification bodies. Members of the Appeals Committee shall be appointed for four years.

The Chairperson of the Appeals Committee should hold a university degree in law and have 10 years of work experience, while members of the Appeals Committee should hold a university degree and have at least 5 years of work experience in accreditation affairs, i.e. conformity assessment.

Members of the Appeals Committee can be appointed from lead assessors, technical assessors, technical experts or members of the ATS Technical Committees.

The ATS Director and members of the ATS Management Board must not become members of the Appeals Committee.

The Appeals Committee should be competent and independent as regards the subject of the appeal.

Members of the Appeals Committee are obliged to sign a Declaration of Confidentiality.

3.2.1 Appeal Resolution Process

Appeals are submitted to ATS within 15 days following the adoption of an adverse decision that is the subject of the appeal. An Associate for Administrative, Technical and General Affairs from the General Affairs Section shall receive and file the appeal that was submitted, create a new file, number the file and shall, without delay, submit it to the Appeals Committee Chairperson.

An appeal shall contain grounds for filing thereof, and all the documents, i.e. records underpinning the appeal statements.



In order to ensure independence, impartiality and objectivity, the Chairperson of the Appeals Committee shall select **atleast** two members of the Appeals Committee from the members of the Appeals Committee (**extended Committee**) to help the Chairperson review the said appeal, taking into consideration the absence of business interest and a fact that members of the Appeals Committee must not be directly or indirectly involved in or connected with the activities that are the subject of the appeal.

The Appeals Committee can ask an appellant or ATS to submit the additional information and records that are related to the subject of the appeal. If need be, the Appeals Committee can also ask experts to provide their professional opinion as regards the subject of the appeal.

The Appeals Committee shall make a decision on the appeal within 30 days from the receipt of the appeal and it shall send it to ATS so that the appellant could be informed.

An administrative dispute can be brought against the decision of the Appeals Committee.

Appeal resolution file shall be composed of the following: CAB appeal with accompanying documentation, professional opinions, decision on the establishment of the respective Committee, report of the Committee on its work, decision made by the Appeals Committee, ATS letter on the resolved appeal and, if applicable, new decision on accreditation.

If the Appeals Committee decided to revise the decision on accreditation, activities arising from the procedure entitled Decision-making and Granting Accreditation (ATS-PR15) shall be undertaken.

Once a year the ATS Directors shall, as part of the management review activities, analyse appeals, resolution methods thereof and decisions made.

4. DISTRIBUTION

This document shall be used by all those participating in the complaint and appeal resolution process within the scope of their competence. This document shall be made publicly available on the ATS internet page at www.ats.rs.

5. ANNEXES

None.

6. FORMS

None.

7. ATS-PR16 DOCUMENT AMENDMENT HISTORY

Issue/revision	Date of issue/revision
3/0	5.10.2009
3/1	3.02.2011
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