

# **- Complaints Procedure Manual -**

## **1. Introduction**

Attention for complaints and its resulting potential conflicts in a certification scheme is an important base for its reliability, continuous improvement mechanism and transparency to its users and stakeholders. Conflict management should always be executed as close to the source of conflict as possible and with participation of the parties involved in and affected by the conflict. Before using this formal procedure, involved parties in a conflict should attempt to find a solution between each other by dialogue. If dialogue between the conflicting parties does not lead to a result, a formal complaint procedure in accordance with the principles specified in this section can be used.

A complaint is defined as the formal listing of a potential violation of rules, principles, governance items resulting from the SSAP-RED certification activities, referring to a decision taken by the Certification Body, the conduct of an audit or a decision taken by SES respectively one of its relevant bodies, and subsequently requesting abatement respectively remedy of the situation causing the conflict.

Conflicts can occur on different levels, respectively between different stakeholders, organisations or individuals in relation to the procedures and decisions under the SSAP/RED scheme:

- Conflicts between a CB and SSAP/RED certificate holders should generally be resolved between the system user and the CB. (Such conflicts could occur when assessments results are, in the opinion of the CB, not resulting in granting a certificate, or result in withdrawing a certificate).
- Conflicts that arise from decisions and procedures of SES or parties/individuals appointed by SES.
- Conflicts brought up by stakeholders when they are affected by activities performed by SSAP/RED certificate holders, including those related to non-compliances with requirements and obligations of certificate holders, CBs, SES, or other related parties are resolved as described below.

## **2. Principles that SES applies for the conflict resolution**

SES will apply the following principles for processing a complaint:

- SES will encourage parties to resolve the conflict between themselves first
- Try to resolve conflicts timely
- Gather the underlying facts from the parties involved
- Be as transparent in the decision-making process as sensitive information allows for
- Maintain formal records of the complaints
- Ensure an appeal process is in place
- Act in the best interest of the integrity of the scheme, therefore taking a decision in an unbiased and impartial manner.
- In case a Board member has a conflict of interest he or she will be excluded from the decision-making process.

### **3. Admission of complaints**

Complaints and appeals will only be filed with SES when they meet the following criteria:

- The reason for the complaint or appeal is a substantial and non-negligible risk of non-compliance of an SSAP/RED system user, recognised CB, or addresses gaps in the effectiveness of the SSAP Protocol and/or governance, with clear reference to the parties or documents involved.
- The text of the complaint or appeal is addressed to the SES Secretary.

SES reserves the right to dismiss complaints that do not meet the above criteria.

A detailed description of the complaints' procedure, its scope and evidencing requirements, the handling and appeal process, as well as provision of relevant third-party information is displayed on the SSAP-RED.org website. An internal manual will formally set forth the entire complaints procedure, its mechanics and appeal possibility as well as the internal SES responsibilities.

### **4. Complaints submission and processing**

Complaints and appeals need to be submitted in writing in English language to the following email address: [ssapred@ussec.org](mailto:ssapred@ussec.org) or complete online form addressing the SES Secretary and must contain information about

- The name of the organisation, contact person and title/position
  - Additional contact information, including email, phone number and mailing address
  - Information that shows the legitimacy of the organisation
  - Name of the organisation respectively the individual the complaint is raised against
  - Explanation regarding the breach in question
  - Evidencing documentation to substantiate the submitted claim and providing contextual information on its rationale in such a way that a third party can obtain a clear idea and form a judgement on the situation
  - Additional documentation respectively correspondence to evidence the question has been addressed previously to the organisation in question
  - Proposed solution to resolve the conflict.
- In case the complaint is submitted anonymous a reasonable explanation should be given to justify this. This will not exempt the submitting party to substantiate its potential claim with evidencing information and its underlying rationale.
  - The SES Secretary will acknowledge the complaint within 10 working days (e.g. confirming the complainant of reception of the complaint). The complaint resolution will be proposed within 20 working days after the acknowledgement date, unless the Secretary has justified a longer assessment process (such as requesting response of other involved or affected parties).
  - Complaints and appeals are considered unacceptable under the provisions laid down in this chapter, if they meet one of the following criteria:
    - The above requirements on form and content are not (fully) taken into account. For example, when complaints and appeals are not sufficiently supported by necessary evidence to get a clear idea and form a judgement on the situation.
    - The complaint or appeal aims for adjustments of the recognised SSAP/RED Protocol and related documents.
    - The reason for the complaint or appeal does not clearly relate to SES or to activities conducted within the SSAP/RED voluntary scheme.

### **5. Complaints follow-up process**

First it will be assessed whether the complaint is within the scope. In such case the complaint issuer will receive a confirmation email within 10 working days that their complaint has been listed with the Secretary.

- In case the complaint is not within the scope the issuer will be notified within 10 working days upon submission of the complaint, together with the reasons for rejection.
- In case there is not sufficient documentary evidence the issuer of the complaint will be notified within 10 working days along with the request to provide further documentary evidence.
  - In case the additional evidence is still not sufficient to substantiate the claim, the complaint will be rejected by SES, also within 10 working days.
  - In case the additional evidence is strong enough to support the claim, the issuer will be informed accordingly within a period of 10 days after submitting the additional evidence. Then the material assessment process will be started by the Secretary.
- When complaints have met previously mentioned criteria, the Secretary will investigate the issue at hand, which includes further review of presented documentary evidence and hearing all parties involved (the party submitting the complaint and the party/parties causing or might have been affected by the complaint – the so called counter-party). Subsequently the Secretary will propose a decision and present to its CEO who will inform the Board of the complaint and the proposed decision. The Board will take a decision within 10 working days, a majority of more than 50% of the present quorum of at least  $\frac{3}{4}$  is needed. The meeting does not require to be hosted physically, virtual meeting respectively email circulation is sufficient, in case of a virtual meeting also at least  $\frac{3}{4}$  of the members of the Board is required to be present.
- Once the proposed decision has been accepted, or amended and accepted by the Board, the Secretary will communicate the decision to both the issuer of the complaint as well as to the counter-party. :
- In case required, the decision could foresee corrective actions required by the counterparty.
- Alternatively, the decision could also foresee the CB to check the topic in question specifically in the upcoming recertification audit, or to perform an extra onsite surveillance audit to assure the integrity of the SSAP/RED system, or in severe cases, to suspend the scope certificate of the counterpart.
- In case the counterparty does not consent to the decision of the Board the counterparty can submit a counterproposal within a period of 10 working days upon receiving the decision. The counterproposal will be submitted to the Secretary who will confirm within 5 business days whether it accepts the counterproposal or declines for formal or material reasons.
- Upon acceptance of the counterproposal the Secretary will assess its legitimacy, very specifically focusing on the newly introduced aspects and perform an assessment. The Secretary can either decline the counterproposal, accept the counterproposal or propose a new decision.
- The decision will be presented to the CEO who will present the decision to the Board. The Board will take a decision following the same procedure and quorum requirements as stipulated in this chapter above. This decision including any corrective actions will be communicated to the involved parties and can be subject to an appeal. From acceptance of the counterproposal till the communication of the decision the Secretary will act within a period of 10 working days.
- The corrective actions proposed will be timely monitored by the Secretary.

## **6. Appeal procedure**

The decision from the Board can be appealed by both parties, the issuer of the complaint and the counterparty.

- The appeal is to be submitted within 20 working days from the decision and has to substantiate the reasons for the appeal. The appeal will be grounded on either information that was already previously available, or on newly introduced facts. In case of the latter the appellant has to explain why the new facts should be considered, and why they were not considered in the previous decision.
- The appeal will be presented to the Secretary which will inform the CEO. The CEO will convene a panel within a period of 25 working days with all Board members and three members of the Advisory Committee and inform the appealing parties of the meeting. In case of a conflict of interest the respective Board member or the respective Advisory Committee member will be excluded from the panel and replaced by another member of the Advisory Committee which is not conflicted. A conflicted Board member cannot be replaced.
- The convened panel will take a decision which will be communicated directly after meeting. Written communication can follow within 5 days after the meeting.
- This decision is the final decision, not subject to further appeal. In case the decision foresees corrective actions, these will be monitored by the Secretary.

## **7. Documentation**

SES keeps a register of all complaints and appeals, including the steps taken for resolving the complaint and will include a summary into the annual report towards the European Commission.