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MCAQA (ISO) 2: Procedure for Handling Complaints/Appeals and Disputes

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Author	Approved
Helen Brooks	Prasad Panicker
Updated by M Munts	Prasad Panicker

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1.0 Purpose

This procedure addresses clause 9.8 of ISO 17021:2015 and describes how complaints relating to the Maritime and Coastguard Agency Quality Assurance (MCAQA) activities are handled and how MCAQA reviews the cause of complaints to identify whether or not any system changes need to be made.

This Procedure also addresses clause 9.7 of ISO 17021:2015 and describes how:

- a) All appeals relating to Management systems certifications are dealt with in a prompt, unbiased and professional manner, and
- b) MCA QA reviews the cause of appeals and disputes and identifies any potential system changes.

2.0 Scope

This procedure can be used by MCAQA clients and any interested parties who are affected by the services provided by MCAQA e.g. customers of companies certified by MCAQA.

This Procedure applies to all staff involved in handling complaints/appeals/disputes about the MCAQA services and covers all complaints, whether received by letter, e-mail, telephone, fax or verbally. A description of the complaint/appeal/dispute handling process shall be made publicly accessible on the external website.

3.0 References

MCAQA Quality Manual	MCAQA's documented processes for certification
ISO 17021:2015	Requirements for bodies providing audit and certification of management systems
MCAQAF 54	Complaint and appeals tracking

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4.0 Responsibilities

<p>Maritime Security & Safety Management Operations Branch</p>	<p>Instigates investigation of complaint. Signs letter of response not received by Chief Executive</p> <p>Reports on complaint handling to Chief Executive on a monthly basis, if any complaints are outstanding Instigates corrective and preventive actions as appropriate Acknowledging appeals within three working days of receipt; Deciding whether an appeal panel should be formed; If no appeal panel is to be formed deciding to grant the appeal; Appoints independent chair and selects two independent members to sit on the appeals panel Notifying the appellant of the arrangements for the appeal panel; Notifying the Chief Executive of the outcome of panel decision; Notifying the appellant of the decision with a written statement of the appeal findings, including the reasons for the decision reached Maintaining a register of all appeals and the final outcome; Reviewing the reason for the appeal and identifying any QMS amendments; Monitoring the effectiveness of any system changes following the appeal review.</p>
<p>MCAQA Management Team</p>	<p>Reviews effectiveness of corrective and preventative actions</p>
<p>Impartiality Committee</p>	<p>Reviews handling of complaints</p>

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Arbitrates in the event that a decision by the appeal panel is rejected by the appellant;

- MCA QA
- Acknowledge complaint
 - Pass complaint to Head of Maritime Security & Safety Management Operations for investigation and a reply.

5.0 Definitions

See Quality Manual, Section 3

6.0 Actions

Upon receipt of a complaint, MCAQA shall confirm whether the complaint relates to certification activities that MCAQA is responsible for, if yes same shall be dealt with.

If the complaint relates to a client which is certified by MCAQA then examination of the complaint shall consider the effectiveness of the certified management system.

Any complaints about a certified MCAQA client shall also be referred by MCAQA to the client in question at an appropriate time.

MCAQA after receiving the complaint would be responsible for gathering and verifying all the necessary information to validate the complaint.

MCAQA would then acknowledge receipt of the complaint and would provide the complainant with the progress/action taken by MCAQA and its outcome in due course.

The decision and action to be communicated to the complainant shall be dealt with individually by a member of the MCAQA team who has not previously been involved in the subject of the complaint.

Once the complaint handling process has been completed a formal notice to be given to the complainant at the earliest opportunity.

MCAQA shall determine with the client and the complainant whether the extent of the complaint and its resolution shall be made public.

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6.1 Contact Points for Clients

Any member of staff may receive a complaint, if the complainant wishes to send a written complaint it should be sent to:-

Head of Maritime Security & Safety Management Operations
Maritime and Coastguard Agency Quality Assurance
Bay 2/20
Spring Place
105 Commercial Road
Southampton
SO15 1EG

6.2 Receipt of an Appeal or Dispute

6.2.1 A notification of appeal or dispute must be received within 14 days of the date of notification of the decision appealed against. For instance, this could be the date a non-conformance was raised or the date or the date proposed corrective action was rejected.

6.2.2 A notification of appeal or dispute must be made in writing to the Head of Maritime Security & Safety Management Operations, who will acknowledge the appeal or dispute.

6.2.3 The appeal or dispute should be accompanied by a suitable statement giving the grounds for the appeal or dispute with a summary of the supporting evidence.

6.2.4 The Head of Maritime Security & Safety Management Operations will give an initial judgement on the case on receipt of full supporting documentation that will have two possible outcomes.

- a) The appeal or dispute is granted without the need for further action under this procedure; or
- b) Putting the appeal or dispute to an appeal panel comprising of three independent members.

6.3 Consideration of an Appeal or Dispute

6.3.1 The Head of Maritime Security & Safety Management Operations will notify the appellant of the three independent members of the appeals panel, stating that the appellant has a right to object to the constitution of the panel and that if no objections are received within fourteen days the appeals panel shall convene. If the appellant does

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object to the constitution of the appeals panel then the Head of Maritime Security & Safety Management Operations shall propose an alternative to the appellant.

6.3.2 Appeal and dispute hearings will take place within 6 weeks of the appeal's receipt. They will normally be held in Southampton and may be attended by up to two persons representing the appellant. Once internal arrangements for an appeal panel have been made, the appellant will be notified of the arrangements by the Head of Maritime Security & Safety Management Operations and requested to confirm attendance at the appeal.

6.3.3 All appropriate information and papers will be made available to the panel and the appellant for the purpose of the hearing. If necessary, specialist advisors may be called on from within or outside MCA QA.

6.3.4 The outcome of the appeal/dispute will be on the basis of a majority decision by the panel.

6.4 Action following an Appeal

6.4.1 Once a decision has been made, the Head of Maritime Security & Safety Management Operations will inform the appellant in writing of the decision including the reasons for the decision reached.

6.4.2 For organisations already certified, if the appeal/dispute is refused, information relating to the withdrawal/suspension of the certification or corrective actions required and any appropriate penalties for misuse may, as required, be forwarded to the appellant by the Head of Maritime Security & Safety Management Operations. In this case, the organisation will be monitored to ensure that it complies with the requirements laid down in a registered file.

6.4.3 For organisations which appeal against or dispute a recommendation not to issue certification following an initial assessment, the lead assessor from the assessment will discuss, with the appellant, corrective action to be taken in order to continue with the certification process or, under the instruction of the client, to close the file for the organisation.

6.5 Referral to Impartiality Committee

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6.5.1 In the event that the appellant does not accept the decision of the appeals panel the papers will be forwarded to the Impartiality Committee members for arbitration.

6.6 Corrective & Preventive Actions

Detailed in Procedure MCA QA11

6.6.1 Following the completion of the appeal process, the Head of Maritime Security & Safety Management Operations will review the root cause and take appropriate corrective action to rectify any errors within the MCAQA system of operation to prevent similar appeals or disputes being received. The form of corrective and preventive action will depend upon each individual complaint received.

6.6.2 At the next MCA Management Team meeting any corrective and/or preventive action undertaken is to be reviewed to assess its effectiveness and suitability to eliminate future appeals or disputes. If action is found to be ineffective, further investigations and review are to take place and, if required, further steps taken to ensure that effective corrective/preventive action is implemented.

6.6.3 Documentary evidence of actions taken is to be included with the records of the original appeal or dispute.

Documentation

7.0 All documentation associated with complaints is held in file MS 166/001/090 and documentation in regard to appeals and disputes in file MS 166/001/091. Tracking and recording of complaint/appeals/disputes is done through MCAQAF54.