

# Complaint and Appeal Procedure

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## Corporate Procedure 5

### 1 Introduction

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1.1 The procedure is available to SCS clients, applicants, and third-party individuals or organizations who perceive a stake in the affairs of SCS and who have reason to question either the actions of SCS itself or the actions of an SCS client in regard to conformance with relevant requirements. The procedure is applicable to any formal decision rendered by SCS or actions taken by a client where such actions are believed to conflict with the terms and/or conditions of the client's engagement with SCS. SCS is responsible for gathering and verifying all necessary information to progress the complaint or appeal to a decision, and for all decisions at all levels of the appeals-handling process. The formal processes outlined herein should be employed only when less formal measures do not achieve resolution.

### 2 Definitions

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2.1 **Complaint:** A written expression of dissatisfaction, other than those types of communication defined in Sections 2.2-2.5, below, by any person or organization, relating to the activities of SCS Global Services' personnel and/or representatives of an SCS client, where a response from SCS is appropriately requested in accordance with the company's [Investigation Process](#).

2.2 **Appeal:** A request by a client (certificate holder or certification applicant) for formal reconsideration of any adverse decision made by SCS related to its desired status. Such request will be resolved by SCS in accordance with the company's [Investigation Process](#). Submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant

2.3 **Stakeholder Comment:** Information and/or opinions regarding a SCS client's conformity with the requirements of applicable normative standards. Such comments are provided by an individual or group whose interests are affected by the actions of a SCS client or a certification/verification decision rendered by SCS. In the event that a *Stakeholder Comment* requires an investigation, such investigation will normally be conducted in the course of a scheduled assessment rather than through SCS' Investigation Process. Depending upon the nature and severity of the information brought to the attention of SCS through a *Stakeholder Comment*, SCS reserves the right to conduct a special audit or engage in other investigative actions prior to the next scheduled audit. Stakeholders may choose to elevate a *Stakeholder Comment* to a *Complaint* if the issue is not satisfactorily resolved in the course of an assessment.

2.4 **Client Feedback:** Specific instances of SCS' clients providing information, preferably written, about aspects (e.g., quality, timeliness, responsiveness) of SCS services. Client Feedback should be recorded by staff of SCS Programs receiving such feedback and assessed as to whether a response is required. Negative client feedback shall also be forwarded to the SCS Quality Assurance Team and may be addressed internally by SCS through the internal corrective action process. Clients may choose to elevate negative feedback to a Complaint if it is not satisfactorily addressed.

2.5 **Client:** an entity/organization that at the time of the complaint is under a valid contract with SCS.

### 3 Availability/Standing

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3.1 In the event that the relevant governing body of an SCS service has its own complaint, appeal and/or dispute procedure, the governing body's requirements may supersede the SCS procedure (e.g., USDA NOP). It is the responsibility of the Program Manager/Director receiving the complaint to review the Complaint and Appeal Procedure of the relevant governing body/scheme owner and inform the SCS Vice President of Global Quality Assurance of any requirements of the governing body/scheme owner that differ from the requirements specified in this procedure to ensure that the more stringent requirements are met.

3.2 In the case of complaints against the actions of an SCS client, the complainant should first attempt to resolve the issue with that client prior to requesting that SCS become involved, pursuant to this procedure. In most cases, SCS will notify the certified client in question of the complaint **within 7 (seven) business days** of the receipt of the complaint. (Except for the circumstances when such information may endanger the client's personnel or interfere with the investigation).

3.3 In the case of appeals, the appellant must lodge its appeal with SCS against any adverse decision taken by SCS, **within thirty (30) calendar days** after notification of the decision.

3.4 Complaints/appeals should be submitted to:

[complaints@scscertified.com](mailto:complaints@scscertified.com)

### 4 Complaint/Appeal Investigation Process

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4.1 To have standing under this procedure, the complaint/appeal must include the following information:

- Contact information for the complainant/appellant;
- A clear description of the aggrieved action or basis of the appeal (date, place, nature of action) and which parties or individuals are associated with the action;
- An explanation as to how the action is alleged to violate or be inconsistent with a requirement, being as specific as possible with respect to the applicable requirements;

- In the case of complaints against the actions of an SCS client, rather than SCS itself, the complainant's description of efforts taken to resolve the matter directly with that party; and
- A proposal of what actions would, in the opinion of the complainant/appellant, rectify the matter.

4.2 Upon receipt of a complaint or appeal, the SCS VP of Global Quality Assurance (or designee) will undertake the following actions<sup>1</sup>:

- Open a complaint/appeal file in which all materials and correspondence associated with the complaint/appeal will be maintained;
- Acknowledge receipt of the complaint/appeal **within five (5) business days**, informing the complainant/appellant that its complaint/appeal is being reviewed for standing;
- Provide a written response to the complainant/appellant **within 15 business days of receipt** of the complaint/appeal, informing complainant/appellant as to whether or not the complaint/appeal qualifies for investigation under this procedure, and outlining the investigation process and the recourse available to the complainant/appellant;
- Should the complaint/appeal qualify for an investigation, when possible, select an individual to investigate who is independent of the:
  - certification evaluation at issue; and
  - associated certification decision.

In addition, personnel (including those acting in a managerial capacity) who have provided consultancy for a client, or been employed by a client, shall not be used by SCS to review or approve the resolution of a complaint or appeal for that client within two years following the end of the consultancy or employment.

4.3 The assigned investigator will undertake the following tasks:

- Solicit and collect any additional information necessary to investigate the complaint/appeal. The investigation will be based primarily upon written documentary evidence supplied by the complainant/appellant. It is the complainant's /appellant's burden to establish that there has been an action taken in contravention of a requirement. Typically, the investigator will augment the documentary evidence submitted by the complainant/appellant with telephone and email interviews. The investigator, if authorized by the SCS VP of Global Quality Assurance (or designee), may elect to conduct a field inspection to augment the documentary evidence.
- Prepare a written report in which the inspector's findings and recommendations are presented. Under normal circumstances, the report will be completed **within 120 days of receipt** of the complaint/appeal. For appeals of findings that must be addressed in a period shorter than 120 days, the appeal investigation process will be expedited to accommodate the findings' due date.
- Submit the report to the SCS VP of Global Quality Assurance (or designee).
- When applicable, a progress report will be sent to the complainant/appellant.

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<sup>1</sup> In the event that SCS has to seek guidance from a Scheme Owner/Accreditation Body, the timeframes and milestones referenced in this procedure are likely to be affected. The complainant/appellant will be notified if such guidance is being sought.

4.4 The SCS VP of Global Quality Assurance (or designee) will then:

- Review the report to determine if further information is required from the investigator;
- Inform in writing the complainant/appellant and other relevant parties (e.g., certificate holder, relevant external parties) of the disposition of the complaint/appeal and, where appropriate, provide the report, or a summary thereof, to all parties along with the final decision;
- Issue internal non-conformity reports (NCRs) and/or recommendations, where appropriate
- Instruct Program Manager/Director to issue NCRs to the client under investigation, where applicable.

4.5 If the complainant/appellant accepts the proposed decision or action, the decision or action is carried out and recorded.

4.6 If the complainant/appellant rejects the proposed decision or action by SCS, the complaint/appeal should be directed to the appropriate accreditation body or scheme owner, whichever is applicable, for further investigation

4.7 The VP of Global Quality Assurance (or designee) is responsible for monitoring the progress of open complaints and appeals. In the event that no response is received from the complainant/appellant within six months after the last communication, the complaint/appeal will be deemed closed.

4.8 SCS shall ensure that decisions on complaints/appeals do not result in any discriminatory actions against the claimant/appellant.

## 5. Confidentiality

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5.1 Personally identifiable information concerning the complainant is available only where needed for the purposes of addressing the complaint within the organization and is actively protected from disclosure except to those Parties directly involved, unless the client or complainant expressly consents to its disclosure.

## 6 Costs of Investigation

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6.1 While SCS is committed to the principle of broad access to the assessment process, including but not limited to this procedure, costs associated with investigating a complaint/appeal cannot be borne solely by SCS. Depending upon the nature of the complaint/appeal, SCS reserves the right to charge a fee to cover at least a portion of the costs of the investigation. Such fees will only be considered in situations where the time required to investigate the complaint/appeal is expected to be substantial.

6.2 For complaints against the actions of a certificate holder or verification/validation statement recipient, SCS reserves the contractual right to charge that party for time and expenses incurred in investigating the complaint. Failure to agree to pay these additional charges or to otherwise cooperate in the investigation of the complaint can be grounds for termination of certification or loss of verification/validation status.

6.3 SCS is committed to considering substantive complaints from any party that is committed to the long-term goals of SCS. However, in the event that this procedure is being employed by a “vexatious litigant” for reasons in conflict with the long term goals of SCS, SCS reserves the right to turn the matter immediately over to an appropriate external body for further disposition or, as appropriate, to reject the complaint as without merit.