

Q28 – Disputes and Appeals within CALA Programs
Revision 2.6 – June 2011



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DISPUTES AND APPEALS WITHIN CALA PROGRAMS

1.0 THE POLICY

1.1 Objectives

The following CALA quality objectives govern the implementation of this policy:

- CALA will establish and maintain a formally recognized quality system that supports the attainment of the CALA Mission, supports CALA operations, and meets international guidelines and best practices;
- CALA will deliver cost-effective, internationally recognized laboratory accreditation services;
- CALA will deliver cost-effective, internationally recognized proficiency testing services; and
- CALA will deliver cost effective and reputable training to meet identified member needs, and in support of other CALA programs.

1.2 Definitions

Dispute: Any written request by a participant laboratory for CALA to reconsider a decision made by CALA concerning any aspect of CALA program delivery. Decisions regarding the accreditation status of the laboratory and published CALA policies are subject to immediate appeal (see *Appeal* below).

Appeal: (from ISO/IEC 17011, clause 2.5.4) Any written request by a participant laboratory for CALA to reconsider an accreditation decision, a published CALA policy, or a dispute adjudication decision made by CALA.

1.3 Principles

1.3.1 Universal Application

CALA encourages individual and broad input concerning improvements to its programs. All CALA decisions are subject to request for reconsideration. However, once an appeal has been adjudicated by a duly appointed Appeal Panel, that decision is final and not subject to reconsideration.

All CALA programs acquire and track member feedback in support of program measurement metrics. This feedback is normally reported to the Board of Directors during the annual Management Review.

CALA logs all feedback it receives. This includes feedback that expresses either satisfaction /dissatisfaction, or requests for CALA to reconsider a decision that the association has rendered on any subject.

In rendering decisions resulting from disputes and appeals received, the primary aim of the decision taken will be the maintenance of the integrity and credibility of CALA programs. CALA programs are based on international standards and best practices. They embody fairness to all participants.

1.3.2 Responsiveness

CALA will respond to all disputes and appeals in a timely manner.

1.3.3 Transparency and Systematic Approach

CALA deals with disputes and appeals using separate but similar approaches. These approaches follow well-established international conformity assessment protocols in arriving at an appropriate decision. All information contained in a dispute or appeal will be held confidential to the CALA officials involved in the review and adjudication of the dispute or appeal.

Records of disputes and appeals are maintained in the logs established for the purpose. Program Managers can access them for the purposes of facilitating the decisions on all of these types of feedback by the appropriate level of authority within the association.

1.3.4 Based on Internationally Recognized Approaches

CALA will use the approaches described in internationally recognized documentation to receive, track and treat disputes and appeals.

1.3.5 Confidentiality

CALA will treat and maintain as confidential, all information received in the form of a dispute or appeal. Other types of feedback, especially feedback highlighting satisfactory or exemplary performance or circumstances, may be distributed for recognition.

1.3.6 Graduated Reconsideration of Decisions

A participant laboratory requesting CALA to reconsider program decisions shall submit a written dispute. Disputes are addressed within CALA Programs by program staff.

A participant laboratory requesting CALA to reconsider one of the following shall submit a written appeal:

- Accreditation decisions taken by the Accreditation Council;
- A published CALA policy; or,
- Decisions regarding a previously adjudicated dispute

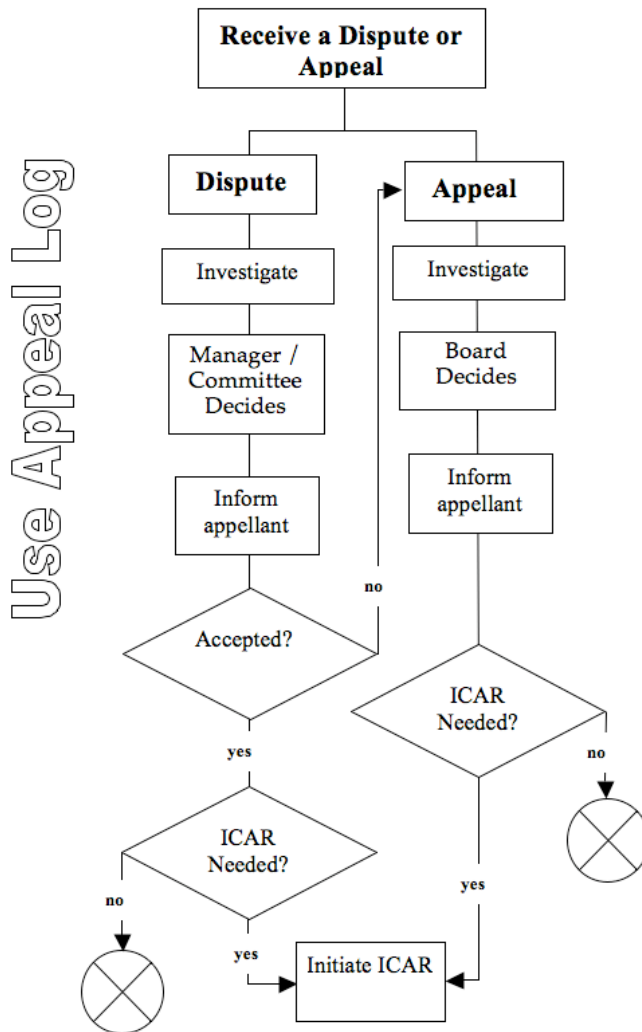
Appeals are adjudicated by an Appeal Panel, which shall be constituted from the CALA Board of Directors.

1.3.7 Decisions of the Appeal Panel of the CALA Board of Directors are Final

Decisions of the Appeal Panel will be final.

2.0 IMPLEMENTATION OF THE POLICY

2.1 Process Flow



2.2 Disputes

Except as specifically provided below, a laboratory may submit a dispute regarding CALA program delivery at any time.

A laboratory shall only be entitled to submit a dispute with respect to a PT suspension, for any reason, within 30 calendar days of receiving a notice of PT suspension or within 30 calendar days of receiving a notice of withdrawal of PT recognition.

A laboratory shall only be entitled to submit a dispute with respect to an assessment, a reassessment, or a verification visit, within 10 working days of receiving the official assessment report, reassessment report or verification visit report.

2.3 Appeals

Appeals may be submitted only with respect to decisions made by CALA regarding accreditation, decisions made with respect to a dispute, or published CALA policies.

A laboratory shall only be entitled to submit an appeal of a decision rendered with respect to a dispute or an accreditation decision within 30 calendar days of receiving notice of the decision.

A participant laboratory shall be entitled to submit an appeal regarding a published CALA policy at any time.

2.4 Disputes/Appeals Log

All disputes shall be directed to the CALA Manager responsible for the affected CALA program, who shall, immediately on receipt, record the dispute in the Disputes/Appeal Log. For disputes, the Disputes/Appeal Log will include the date of the dispute, the name of the disputant, the issue, the date resolved, and the decision of the appropriate CALA Manager.

All Appeals shall be directed to the CALA Manager responsible for the affected program, who shall be responsible for ensuring that all relevant documents are included with the appeal. Once all relevant documents have been compiled, the Training Assistant will record the appeal in the Disputes/Appeal Log and shall forward the appeal and associated documents to the Quality Coordinator.

For appeals, the Disputes/Appeal Log will include the date of the appeal, the name of the appellant, the issue, the date resolved, and the decision of the Appeal Panel.

The Quality Coordinator maintains the Disputes/Appeal log. The log and the documented disputes and appeals form part of the information to be reviewed during the annual Quality System Review in accordance with Q16 - *Quality System Review*. The format of the log forms is shown at the end of this procedure.

2.5 Action upon Receipt

Disputes that are received will be logged and an investigation will be conducted by the CALA Manager responsible for the program concerned. Appeals that are received will be logged and an investigation initiated by the Quality Coordinator.

In the event that the CALA Manager receiving a dispute or appeal believes that the issues raised therein may adversely affect the public image of CALA or call into question the integrity or credibility of any CALA programs, the CALA Manager shall:

- Immediately report the dispute or appeal to the President & CEO (hereinafter referred to in this document as the CEO), whether or not they are able to resolve the dispute or appeal immediately. If the CEO is absent for a period of more than three days, the dispute or appeal shall be referred to the President, and in the absence of the President, the Vice President. This shall normally be done by the Manager who has been designated responsibility for the office during the absence of the CEO.
- The CEO (or the President or Vice President) will promptly inform the President and directors.

2.6 Investigation And Adjudication

2.6.1 Initiating an Investigation of a Dispute or Appeal

Normally, disputes will be investigated and adjudicated within program staff and, if necessary, one of the CALA committees: the Advisory Panel or the Program Committee. For appeals, the Quality Coordinator shall normally conduct the investigation.

Acceptable alternates for this activity include the Quality Coordinator and the CEO, or a member of the Board of Directors, depending on the sensitivity of the dispute or appeal.

2.6.2 General Conduct of an Investigation

Investigations of disputes and appeals are conducted with only one purpose in mind; do the facts validate the dispute or appeal?

The investigator shall normally gather evidence on the dispute or appeal and present it for adjudication. Evidence can be gathered from:

- a review of the existing CALA file;
- any new fact(s) presented by the disputant / appellant;
- contacting the disputant / appellant and requesting further information;
- contacting CALA personnel involved in the original decision, and/or
- contacting other third parties for information, if appropriate.

If the facts identify any weakness, shortcoming or non-conformance of the CALA QMS, an ICAR is to be raised to address it. See Q24 – *Continuous Improvement*.

Investigation consists solely of comparing requirements to actual events. The only requirements that can be compared to actual events are those published CALA requirements that affect the required conduct of the organization or person that has initiated the dispute or appeal. Unpublished procedures and policies do not apply.

From this comparison, the investigator is able to establish whether the facts validate the dispute or appeal.

2.6.3 Investigator Proposals for Remedy

If the investigator of the dispute or appeal is of the opinion that the facts validate the dispute or appeal then they shall include a proposal with respect to suitable remedies with the investigation findings that are sent to the adjudicator for a decision.

Adjudicators are not bound by these recommendations, but shall take them into consideration in rendering their decision.

2.6.4 Factors to be taken into Consideration in a Dispute or Appeal

In considering whether or not the facts validate a dispute or appeal, the CALA adjudicators shall consider the following:

- whether the original decision was the same decision that the adjudicator would have made in the same circumstances;
- whether the adjudicator would make the same decision in the light of any new facts presented by the appellant or obtained in the course of the investigation; and
- whether the decision places unreasonable demands on the appellant.

Finally, the adjudicator of a dispute or appeal must consider whether the original decision affects the integrity and credibility of the CALA program under which the dispute or appeal is submitted.

2.6.5 Review and Adjudication of Disputes

Disputes are reviewed by the Managers of the affected programs and, if necessary, either of the two CALA Committees: the Program Committee or the Advisory Panel. If the Manager of the affected program has the authority to render a decision, once the investigation is complete, the Manager may do so. The appellant is informed and the resulting adjudication are to be documented as part of the Disputes/Appeal Log entry for each dispute.

If the Manager requires a decision from either of the two CALA Committees, the Manager shall approach 2 to 3 members of the appropriate committee for a decision. The Program Committee will normally review disputes related to program development and direction and the Advisory Panel will normally review disputes related to program detail.

If the facts validate the dispute, the Manager of the affected program shall publish a new decision, if the authority for this decision is within their purview. This applies to disputes

addressed within program staff only and those disputes that have been addressed by either of the two CALA committees: the Advisory Panel or the Program Committee.

Decisions rendered by these committees to adjudicate disputes shall also be recorded with the appropriate log entry. The committee shall render its decision to staff.

2.6.6 Review and Adjudication of Appeals

Appeals are reviewed by the CALA Quality Coordinator. The Program Committee is generally used to review PT appeals and the Advisory Panel is generally used to review appeals regarding process and interpretation of requirements. When the investigation is complete, the Quality Coordinator will coordinate with the President to appoint an Appeal Panel of three or four members of the CALA Board of Directors.

The composition of the Appeal Panel is documented by the Quality Coordinator and retained with the appeal. The Quality Coordinator acts as secretary to the Appeal Panel. The Appeal Panel consists of members from the public (not-for-profit) sector only. While the documentation can be sanitized with all identification removed to protect the confidentiality of the appellant, the use of public sector Appeal Panel Members is to prevent any perception of adjudication decisions based on commercial interests.

The primary objective of an Appeal Panel is to decide the validity of an appeal. There are only three possible outcomes of Appeal Panel deliberations:

- The appeal is not valid;
- The appeal has merit, but the issue requires consideration by the whole Board; or,
- The appeal is valid and staff must undertake work to bring operational practice more into line with CALA Ends Policies.

The Appeal Panel will decide to either:

- uphold the original decision and deny the appeal;
- refer the appeal to the Board for decision as the issue is one that only the Board can decide; or,
- allow the appeal and reverse or modify the original decision, or require CALA staff to modify an operational policy to bring it more into line with CALA Ends Policies.

In considering an appeal of a published CALA policy, the Appeal Panel may only make recommendations to the CALA Board of Directors. If the decision of the Appeal Panel results in a referral to the CALA Board of Directors, the Board will be asked to meet at the earliest possible opportunity to review the policy under appeal, with a copy of the decision of the Appeal Panel.

The investigation and the decisions of the Appeal Panel are to be part of the Disputes/Appeal Log entry for each appeal. The decisions of Appeal Panels of the Board are final.

Each appeal is reviewed by the CALA Board of Directors at the Board meeting immediately following the adjudication of the Appeal, regardless of the outcome.

2.7 Completion and Closure

2.7.1 Informing the Disputant/Appellant

Once a decision has been made with respect to a dispute, the Manager of the affected program communicates the decision to the disputant. If necessary, revised documentation, such as an assessment report or PT report is then forwarded to the disputant. Staff shall ensure that the decision is communicated to the disputant as soon as possible after the decision is made.

In the case of an assessment dispute, the Accreditation Manager shall prepare the correspondence to communicate the decision to the laboratory and arrange for a revised assessment report to be sent to the laboratory, if required. The Accreditation Manager will then close the entry in the Disputes/Appeal Log.

Assessment activity disputes and supporting documentation are also maintained in the post-assessments folder for the current year. In the case of a PT dispute, associated documentation is also maintained in the folder for each study.

In the case of appeals, the Quality Coordinator prepares the correspondence, for the signature of the CALA President, to communicate the decision of an Appeal Panel to the appellant. The Quality Coordinator closes the entry in the log.

The Disputes/Appeal Log tracks these actions and contains the details of each action taken.

2.8 Review of Appeals

All appeals are reviewed by the CALA Board of Directors at the Board meeting immediately following the adjudication of the appeal, regardless of their outcomes.

2.9 Forms and Logs

The format of the Disputes/Appeal Log associated with this procedure is found in F05.