

BAB OPERATING PROCEDURES FOR DISPUTES AND APPEALS

Revision **05**

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1.0 THE POLICY

1.1 Objectives

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

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

1.2 Definitions

Dispute: (from ISO/IEC 17011, clause 2.5.4) any written request by a CAB for BAB to reconsider an assessment finding or other non-accreditation decision made by BAB staff in the conduct of their duties.

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

1.3 Principles

1.3.1 Universal Application

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

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

BAB logs all feedback it receives. This includes feedback that expresses either satisfaction /dissatisfaction, or requests for BAB 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 BAB programs. BAB programs are based on international standards and best practices. They embody fairness to all participants.

1.3.2 Responsiveness

BAB will respond to all Appeals and Disputes in a timely manner.

Any person aggrieved by an order passed by the Director General or any officer delegated with power by him, may appeal for getting remedy, within ninety days from the date of the order, on payment of such fees as may be prescribed by the regulations:

- (a) to the Government, if the order is given by the Director General; and
- (b) to the Chairman [of the Board], if the order is given by any officer.

In case of an appeal under this section, it should be settled within ninety days. The decision of the Government shall be final for the appeal under this section.

1.3.3 Transparency and Systematic Approach

BAB deals with dispute 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 an appeal or dispute will be held confidential to the BAB officials involved in the review and adjudication of the appeal or dispute.

Records of dispute and appeals are maintained in the logs established for the purpose.

1.3.4 Based on Internationally Recognized Approaches

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

1.3.5 Confidentiality

BAB will treat and maintain as confidential, all information received in the form of an appeal or dispute. 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 CAB requesting BAB to reconsider program decisions shall submit a written appeal. Disputes are addressed within BAB Programs by program staff.

A participant CAB requesting BAB to reconsider one of the following shall submit a written appeal:

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

Appeals are adjudicated by an Appeal Committee which shall be constituted from the Board.

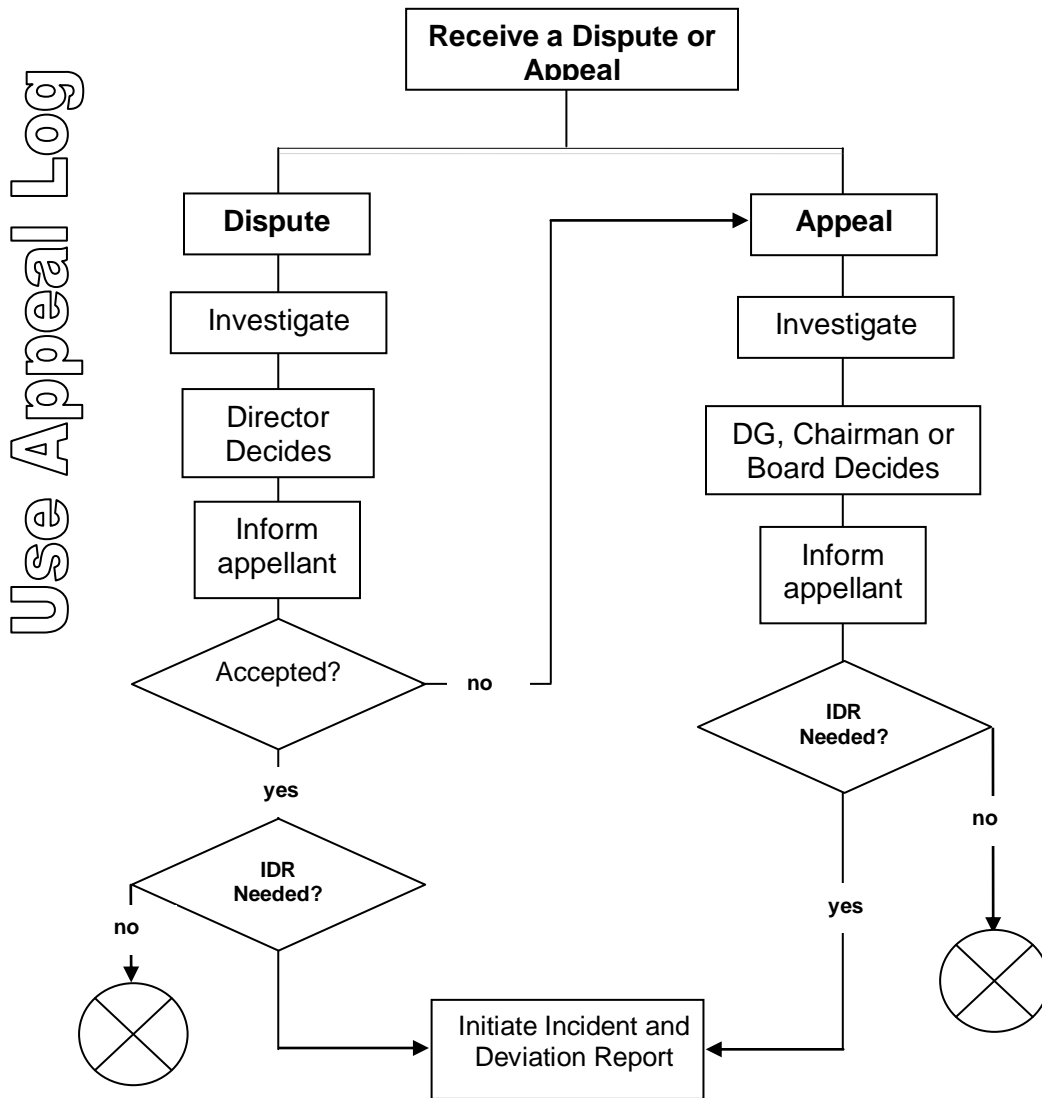
1.3.7

Decisions of the Board are Final

Decisions of the Board are final.

2.0 IMPLEMENTATION OF THE POLICY

2.1 Process Flow



2.2 Disputes

Disputes may be submitted with respect to decisions made by BAB staff, assessors or other non-accreditation decisions.

A CAB may submit a dispute of such decisions within 30 calendar days of receiving notice of the decision, such as an assessment report, a billing or other non-accreditation decision.

2.3 Appeals

Appeals may be submitted with respect to accreditation decisions made by BAB, or published BAB policies.

A CAB may submit an appeal of a decision rendered with respect to a decision regarding a dispute or an accreditation decision within 90 calendar days of receiving notice of the decision with payment of applicable fee.

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

2.4 Appeals Log

All disputes and appeals are received by the Quality Manager, who records them in the Appeal Log.

The Appeal Log will include the date of the dispute or appeal, the name of the appellant, the issue, the date resolved, and the decisions of the Adjudicating authority.

The Quality Manager maintains the Appeal log. The log and the documented disputes and appeals form part of the information to be reviewed during the annual Management Review in accordance with QP-07 – Management Review.

2.5 Action upon Receipt

Disputes that are received are logged and an investigation initiated by the Director. Appeals that are received are logged and an investigation initiated by the designated level of authority appropriate for the circumstance.

In the event that the Quality Manager believes that the issues raised therein may adversely affect the public image of BAB or call into question the integrity or credibility of any BAB programs, the Quality Manager shall immediately report the appeal to the Director General, whether or not they are able to resolve the appeal or dispute immediately.

2.6 Investigation and Adjudication

2.6.1 Initiating an Investigation of a Dispute or Appeal

The Director normally investigates and adjudicates disputes. In the event that the original decision was made by the Director, the Director General shall conduct the investigation and adjudicate the dispute.

In the event that the original decision was made by the Director General, the Chairman of the Board shall be approached to arrange for the convening of an Appeal Committee of the Board. Such an Appeal Committee, consisting of three members of the Board, shall review the documentary evidence and adjudicate the appeal.

As directed by the Bangladesh Accreditation Act, 2006, legal appeals may be made to the Government of Bangladesh, to redress decisions made by the Board. See BAB01 BAB Office Translation of the BAB Act. In this respect the Act states:

26. Appeals

Any person aggrieved by an order passed by the Director General or any officer delegated with power by him, may appeal for getting remedy, within ninety days from the date of the order, on payment of such fees as may be prescribed by the regulations:

(a) to the Government, if the order is given by the Director General; and

(b) to the Chairman [of the Board], if the order is given by any officer.

In case of an appeal under this section, it should be settled within ninety days. The decision of the Government shall be final for the appeal under this section

2.6.2 General Conduct of an Investigation by Investigators

Investigations of disputes and appeals are conducted with only one purpose in mind; to determine if the facts validate the request to change the original decision.

The investigator gathers evidence on the appeal and retains it for adjudication. Evidence can be gathered from:

- a review of the existing BAB file;
- any new fact(s) presented by the appellant;
- contacting the appellant and requesting further information;
- contacting BAB 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 BAB QMS, an Incident and Deviation Report is to be raised to address it. See QP02 – Continual Improvement.

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

From this comparison, the investigator can establish whether the facts validate the dispute or appeal.

2.6.3 Proposals for Remedy

If the investigator is of the opinion that the facts validate the appeal, they shall include a proposal with respect to suitable remedies with the investigation findings.

2.6.4 Factors to be taken into Consideration during Adjudication

In considering whether or not the facts validate an appeal, the Adjudicators (Director, or DG, or Appeal Panel of the Board) considers 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 Adjudicators should consider whether the original decision affects the integrity and credibility of the BAB program under which the dispute or appeal is submitted.

2.6.5 Review and Adjudication of Disputes and Appeals

Disputes may be adjudicated by either the Director or the Director General, depending on which level of authority made the initial decision being questioned. Appeals may only be adjudicated by the Director General or a duly appointed Appeal Committee of the Board. Adjudicators are to render a decision with regard to the dispute or appeal in question.

Dispute or appeal decisions may be **only one** of the following:

- **deny** the appeal and uphold the original decision, **OR**
- **refer** the appeal to the Director General or Board of Directors for decision at issue is one that only they can decide, **OR**
- **allow** the dispute or appeal and reverse or modify the original decision, or require BAB staff to modify an operational policy to bring it more into line with accepted practice.

The investigation and the decisions of the Adjudicator are to be part of the Appeal Log entry for each appeal. The decisions of Board of Directors are final.

As directed by the Bangladesh Accreditation Act (2006), legal appeals may be made to the Government of Bangladesh, to redress decisions made by the Board of Directors. See A02-BAB Office Translation of the BAB Act. In this respect the Act states:

28. Appeals

(1) Any person aggrieved by an order passed by any officer of the Board may prefer an appeal to the Government within three months from the date of receipt of the order on payment of such fee as may be prescribed by the regulations.

(2) The decision of the Government shall be final.

If the facts validate the dispute or appeal, the Director/Quality Manager shall publish the decision to allow the dispute or appeal, with the authority of the Adjudicator (Director General or Board of Directors). The new decision, based on the results of this appeal or dispute shall also be published. The appellant is informed the decisions of the Adjudicator and the resulting adjudication are documented as part of the Appeal Log entry for each dispute or appeal.

Each dispute and appeal is reviewed by the Director General immediately following their adjudication regardless of the outcome.

2.7 Completion and Closure

2.7.1 Informing the Appellant/Appellant

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

In the case of an assessment appeal, the Deputy Director shall prepare the correspondence to communicate the decision to the CAB and arrange for a revised assessment report to be sent to the CAB, if required. The Quality Manager will then close the entry in the 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.

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

2.8 Review of Appeals

All appeals are reviewed during Management Review meeting immediately following the adjudication of the appeal, regardless of their outcomes.

2.9 Forms and Logs

The format of the Appeal Log associated with this procedure is found in QF29-Feedback Log.