



Forensic Quality Services - International

Forensic Requirements for Accreditation--Policy

FRAP 6 – Policy and Procedures for Suspension, Withdrawal, Complaints, Appeals, and Extension of the Term of Accreditation

REVISION LOG

Version	Issued	Changes
July 2004	July 2004	First issue of document
2006/1	June 27, 2006	Added revision log; updated document footers; substitute “Manager of Accreditations” for “manager of the appropriate FQS-I program”; delete extraneous section on “Request for Appeal or Hearing”
2006/2	November 6, 2006	Changed definition of complaint; minor verbiage changes.
2007/1	July 18, 2007	Added significant detail to all sections to clarify procedures; added section on appeal of assessment non-conformities
2008/1	January 24, 2008	Deleted contact information from the cover sheet.

1. SCOPE

This document outlines FQS-I's processes for dealing with complaints against FQS-I or agencies accredited by FQS-I; procedures for the suspension, withdrawal, or extension of the term of accreditation; procedures for the voluntary termination of accreditation or reduction in scope of accreditation by an accredited agency; and procedures for appeals related to decisions made on matters within this scope.

2. DEFINITIONS

Appeal: A formal review process when a complaint is not resolved to the satisfaction of the complainant.

Complaint: Any formal, written expression of dissatisfaction with respect to FQS-I activities, accredited agencies, or service to customers.

Hearing: The opportunity to formally present verbal argument in support of an appeal to an FQS-I committee responsible for the review of an appeal.

Interested Party: In respect of an accreditation, any person or body having an interest in the outcome of the accreditation for a purpose that is neither frivolous nor vexatious.

Suspension of Accreditation: The temporary removal by FQS-I administrative action of all or part of an accredited agency's scope of accreditation, pending corrective action by the accredited agency or formal withdrawal of accreditation by FQS-I.

Voluntary Withdrawal: The voluntary surrender of accredited status by an FQS-I-accredited agency.

Withdrawal of Accreditation: The removal by FQS-I of all or part of an accredited agency's accreditation. Partial withdrawal may apply where an accredited agency is accredited specifically for tests that may be treated individually for accreditation purposes.

3. VOLUNTARY WITHDRAWAL OR REDUCTION IN SCOPE OF ACCREDITATION

An accredited agency may voluntarily seek withdrawal of its accreditation, in whole or in part, at any time by providing written notice to FQS-I. Any unpaid fees must be paid upon notice of voluntary withdrawal. Failure to make payment will result in recovery action.

4. SUSPENSIONS, WITHDRAWALS, and REDUCTIONS IN SCOPE OF ACCREDITATION

4.1 General. An accredited agency that is found to be non-conformant with respect to the relevant terms of accreditation is subject to suspension, withdrawal, or reduction in scope of accreditation. “Relevant terms of accreditation” refers to accreditation standards (e.g., ISO/IEC 17025) and program requirements of FQS-I (e.g., non-payment of outstanding invoices, failure to notify FQS-I in a timely manner of significant organizational changes).

4.2 Procedure

- a) The Manager of Accreditations will notify the agency in writing of the intent to suspend. The letter will describe the non-conformities at issue and request the agency to take appropriate corrective actions.
- b) The agency must take one of the following actions within thirty (30) days of being notified:
 1. The agency must complete the corrective actions requested, or present a plan for corrective action with specific milestones that can be monitored, and so advise the Manager of Accreditations of FQS-I in writing.
 2. The agency may appeal its case in writing to FQS-I. **See Section 6 on Appeals.**
- c) If the agency chooses option “b1” and appropriate corrective actions are completed within the period agreed upon with FQS-I, the FQS-I Manager of Accreditations will take administrative action to drop suspension action.
- d) If the agency does not or cannot complete the required corrective actions within the time frame agreed upon with FQS-I, or fails to respond in any way to FQS-I within the 30-day period as required in “b”, the Manager of Accreditations of FQS-I shall, by written notice, suspend the agency’s accreditation.
- e) While suspended, the accredited agency loses the privileges of accreditation, but can still act to avoid withdrawal. The letter of suspension details the restrictions imposed on the accredited body as a result of suspension action. Clients, potential clients, and the public will be notified of suspension actions taken by a posting on the FQS website. In the case of accredited laboratories, this notice may include an amended scope of accreditation.
- f) The agency has the right to appeal a suspension in writing to FQS-I within thirty (30) days of receiving the notice advising that the agency is suspended and that its accreditation may be withdrawn. **See Section 6 on Appeals.**

- g) If an appeal is not made or corrective action satisfactory to the Manager of Accreditations is not taken within the thirty (30) day suspension period, FQS-I will withdraw the accreditation.
- h) Upon suspension or withdrawal of accreditation, the agency shall immediately cease making reference to its FQS-I-accredited status in any promotional materials, on its letterhead, in test reports (for laboratories) or in any other documents or media related to any suspended or withdrawn activities. It shall also cease displaying its Certificate of Accreditation on its premises and cease any use of the FQS-I accreditation symbol.

4.3 Immediate suspension. Immediate suspension may be warranted when significant failures to conform to accreditation standards and policies produce concerns about the quality of the accredited agency's test results or the implementation and effectiveness of its management system. All provisions regarding appeal of suspension apply.

5. COMPLAINTS

5.1 General. An interested party who considers that the actions taken by FQS-I during the accreditation process, or that actions taken by an FQS-I-accredited agency have produced results considered inappropriate, has the right to raise the issue.

5.2 Verbal (Informal) Complaints

Issues brought verbally to the attention of the Manager of Accreditation will be evaluated to determine their seriousness and the appropriate steps to take. Minor issues can be resolved informally without documenting the issue or its resolution. The Manager of Accreditations will encourage an individual who verbally raises a major issue to submit the issue in writing to FQS-I so that it can be dealt with via the formal complaints procedure.

5.3 Formal Complaints Procedure

- a) All formal complaints must be submitted in writing to the FQS-I Manager of Accreditations before they will be considered. A formal complaint must describe the issue in detail and present objective evidence to support the complaint.
- b) The Manager of Accreditations will review the complaint and determine if the complaint is:
 - 1) A complaint against FQS-I or its representatives or
 - 2) A complaint against an FQS-I accredited agency

5.3.1 Complaints against FQS-I. All complaints against FQS-I will be dealt with by the Manager of Accreditations, except that complaints pertaining to the Manager of Accreditations will be forwarded to the FQS President.

a) **Complaints Related to Accreditation Decisions.** Complaints against FQS-I related to accreditation decisions will be dealt with via the Appeals process. (See Section 6) This includes complaints/objections regarding:

- 1) Assessment non-conformities
- 2) Denial of accreditation
- 3) Involuntary suspensions or withdrawals of accreditation

b) **Other Complaints Against FQS-I.** Complaints may also be received that are not directly related to accreditation decisions, e.g., dissatisfaction with the performance of an FQS-I assessor.

- 1) The receipt of a formal complaint activates the FQS-I corrective action procedure. The Manager of Accreditations will log the issue and evaluate the complaint.
- 2) If the issue is determined to be a non-conformity with the FQS-I management system, FQS-I will conduct corrective action appropriate to the nature of the non-conformity. The complainant will be notified in writing regarding the action taken.
- 3) If the issue is determined not to be a non-conformity with the FQS-I management system, FQS-I will determine whether further action is appropriate. The complainant will be notified in writing of the decision and any actions taken.

5.3.2 Complaints regarding the performance of an FQS-I accredited agency.

(a) A formal complaint from an interested party regarding an FQS-I accredited agency must be submitted to the Manager of Accreditations of FQS-I. The written complaint must describe the issue in detail and present objective evidence to support the complaint.

(b) The Manager of Accreditations will bring complaints to the attention of the accredited agency and the agency will be required to respond to FQS-I in writing with respect to the issue(s) raised in the complaint. FQS-I will consider reasonable requests for confidentiality of the complainant, where doing so does not infringe upon the rights of the accredited agency and its ability to respond to the complaint.

(c) The Manager of Accreditations will evaluate the complaint based upon the available information and may seek input from technical or other experts as necessary.

1. If FQS-I believes that no further action is necessary, the party registering the complaint and the agency against which the complaint was lodged will be notified of that decision.

2. If FQS-I does not believe that the response of the agency is sufficient to resolve the issue, or believes that the actions alleged in the complaint are supported by the preliminary evidence and have the potential to cast serious doubt on the quality of the accredited agency's test results, FQS-I may require additional investigation. This could include a limited-scope on site assessment of the accredited agency by FQS-I.

The Manager of Accreditations will inform the complainant in writing of the results of the FQS-I investigation and the actions, if any, that will be taken by FQS-I to address the issue(s).

5.3.3 Appeals of FQS-I decisions on complaints. Complainants may utilize the appeals process when formal complaints are not resolved to their satisfaction.

5.3.4 Records.

FQS-I maintains records on all formal complaints, including:

- Formal complaints received by FQS-I
- Interim assessment reports, if any
- Details of the investigation and actions taken, including corrective actions (if any)
- Date of resolution and copies of notification of complainant

6. APPEALS AND HEARINGS

6.1 General. The appeals process is utilized to deal with objections regarding FQS-I decisions on:

- Assessment non-conformities
- Denial of accreditation to an applicant agency
- Involuntary suspensions or withdrawals of accreditation
- Resolutions of formal complaints

6.2 Appeals on non-conformities from an assessment

- a) An agency that disagrees with a decision of FQS-I with respect to non-conformity(s) cited in an on-site assessment report may appeal the finding of a non-conformity(ies).
- b) Written appeal must be made to the Manager of Accreditations of FQS-I within ten (10) business days of the agency's receipt of the final assessment report from FQS-I.
- c) The appeal must list the non-conformity(ies) with which the agency disagrees, the basis for the appellant's position, and provide objective evidence to support that position.

- d) The Manager of Accreditations and the assessment team will consider the appeal and the supporting evidence provided by the appellant.
 - If they agree with the appellant, a new assessment report will be issued with the disputed non-conformity(ies) removed.
 - If they uphold the non-conformity(ies), the appellant will be notified in writing of the decision and the reason(s) for the decision.
 - If the Manager of Accreditations and the assessment team fail to reach a consensus, the issue will be forwarded to the President for a decision.
- e) If the appellant disagrees with the decision to uphold the non-conformity(ies), the appellant may, within 10 business days of receiving that decision, renew their appeal in writing. A request for a verbal hearing, if desired, must be included in the written appeal.
- f) The Manager of Accreditations will forward the appeal to the corporation President. The President will appoint an ad hoc committee composed of FQS-I assessors and representatives of FQS-I accredited agencies who are independent of the assessment under appeal. If no hearing is requested, the committee will review the appeal based upon the available evidence and will make a recommendation to the corporation President.
- g) If the President sustains the appeal, the Manager of Accreditations will issue a new assessment report with the disputed non-conformity(ies) removed.
- h) If the President denies the appeal, the appellant will be notified in writing of the reasons for the denial of appeal.
- i) If the appellant disagrees with the President's decision to uphold the finding of the non-conformity(ies), the appellant may, within 10 business days of receiving that decision, renew their appeal in writing to the FQS Board of Directors.
- j) The decision of the Board of Directors on the finding of non-conformity(ies) is final.

6.3 Appeals on decisions to deny or limit accreditation. The decision whether or not to accredit a laboratory is taken by FQS-I on the basis of information gathered during the accreditation process. The accreditation decision is made within a few days after all pertinent information has been received. This information includes, but is not limited to:

- assessment reports
- the proposed scope of accreditation
- information on the resolution of nonconformities
- a recommendation from the assessors (usually the lead assessor) as to granting, reducing, or extending accreditation for the proposed scope

An applicant agency may be denied accreditation, or the scope of their accreditation may be limited for:

- Failure to satisfactorily remediate non-conformities identified during the assessment and/or
 - Lack of objective evidence to support the scope of accreditation sought by the applicant.
- a) Written appeal must be made to FQS-I within thirty (30) days of the decision to deny or limit accreditation. The appeal must include the basis for the appellant's position and objective evidence to support that position. The appeal must contain the request for a hearing to present verbal argument, if desired.
 - b) The Manager of Accreditations will forward the appeal to the corporation President. The President will appoint an ad hoc committee composed of a minimum of three members comprised of FQS-I assessors and representatives of FQS-I accredited agencies who are independent of the assessment under appeal.
 - c) If no hearing is requested, the ad hoc committee will review the appeal based on the evidence available. If a hearing is requested, it shall be scheduled as soon as practicable. A recommendation will be made to the corporation President.
 - d) If the President sustains the appeal, the Manager of Accreditations will take the steps required to award accreditation or expand the scope of accreditation.
 - e) If the President denies the appeal, the appellant will be notified in writing of the reasons for the denial of appeal.
 - f) If the appellant disagrees with the President's decision to uphold the non-conformity(ies), the appellant may, within 10 business days of receiving that decision, renew their appeal in writing to the FQS Board of Directors.
 - g) The decision of the Board of Directors on whether or not the accreditation shall be awarded or limited is final.

6.4 Appeals on involuntary suspensions or reductions in scopes of accreditation

- a) Written appeal must be made to FQS-I within thirty (30) days of the decision to suspend accreditation. The appeal must include the basis for the appellant's position and objective evidence to support that position. The appeal must contain the request for a hearing to present verbal argument, if desired.
- b) The Manager of Accreditations will forward the appeal to the corporation President. The President will appoint an ad hoc committee composed of a minimum of three members comprised of FQS-I assessors and representatives of FQS-I accredited agencies who are independent of the assessment under appeal.

- c) If no hearing is requested, the ad hoc committee will review the appeal based on the evidence available. If a hearing is requested, it shall be scheduled by the Committee as soon as practicable. A recommendation will be made to the corporation President.
- d) If the President sustains the appeal, the accreditation of the agency will be reinstated.
- e) If the President denies the appeal, the appellant will be notified in writing of the reasons for the denial of appeal.
- f) If the appellant disagrees with the President's decision to uphold the suspension, the appellant may, within 10 business days of receiving that decision, renew their appeal in writing to the FQS Board of Directors.
- g) The decision of the Board of Directors on whether or not the accreditation shall be suspended is final.

6.5 Impartiality. FQS-I will exercise care to avoid any real or potential conflict of interest in the selection of the ad hoc committee members to consider appeals. Specifically, no member shall be a representative of a competing agency or an FQS staff member.

6.6 Hearings. For reasons of time and cost, hearings may be conducted electronically via conference call or a similar mechanism. The cost of a hearing shall be borne by the appellant if the appeal is denied or by FQS-I if the appeal is upheld.

6.7 Limitation of Liability. The applicant agency or accredited agency acknowledges and agrees that FQS-I or any of FQS-I's directors, officers, employees, and agents shall not be liable to the agency for any claims, damages, expenses, demands, losses, including lost revenue or profits, or any special, consequential, or indirect damages whatsoever, arising from or incidental to the denial, limitation, suspension or withdrawal of accreditation by FQS-I. This includes where accreditation is awarded to or reinstated by FQS-I following an appeal initiated by an agency.

7. REAPPLICATION

Ending an accreditation, either by voluntary withdrawal or through the suspension and withdrawal process, will not preclude an agency from applying for accreditation at a future date. A reapplication will be evaluated under the same requirements and procedures applicable to every other applicant at the time of application. Reapplications will not be accepted by FQS-I until a minimum of three (3) months have passed since the previous accreditation was withdrawn.

8. PUBLIC NOTIFICATION

All instances of suspension or withdrawal of accreditation (whether voluntary or involuntary) will be publicized by FQS-I, including, but not limited to, notices being

placed on the FQS-I internet web site. Wherever regulators are involved, the regulatory/safety authorities will be advised by the most expedient way possible of the FQS-I suspension action. They will also be advised immediately of reinstatement action taken.

9. EXTENSION OF TERM OF ACCREDITATION

A laboratory may seek an extension to their term of accreditation by writing to the Manager of Accreditations. Extensions of up to 3 months may be granted where the Manager of Accreditations deems appropriate. Where the laboratory disagrees with the decision, the appeals process set out above may be followed.