

# Q28 – DISPUTES AND APPEALS WITHIN CALA PROGRAMS

Revision 3.0

November 19, 2019



**CALA**  
Trust, measured accurately

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## 1.0 SCOPE

These procedures apply to all accredited laboratories.

## 2.0 DEFINITIONS

**Dispute:** Any written request by a participant laboratory for CALA to reconsider an adverse decision made by CALA with respect to their accreditation status or a request to reconsider an assessment nonconformity. Decisions regarding the accreditation status of the laboratory are subject to immediate appeal (see *Appeal* below).

**Appeal:** Any written request by a participant laboratory for CALA to reconsider a dispute adjudication decision made by CALA, or a decision that affects accreditation status.

See 17011 3.21

## 3.0 POLICY AND PROCEDURES

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 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.

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:

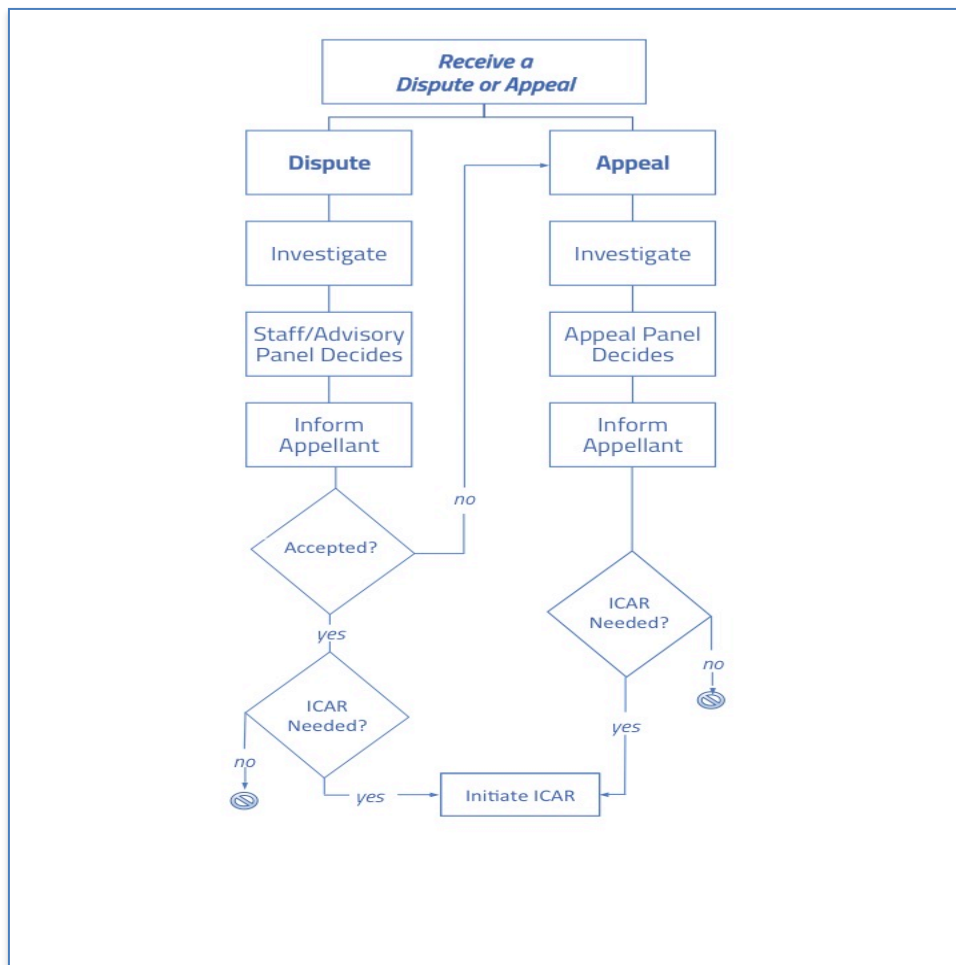
- Accreditation decisions taken by the Accreditation Council;
- Decisions regarding a previously adjudicated dispute; or
- Decisions that immediately affect accreditation status.

Disputes and Appeals received by CALA shall be resolved within 30 calendar days.

Appeals are adjudicated by an Appeal Panel. **Decisions of the Appeal Panel are final.**

## 4.0 IMPLEMENTATION OF THE POLICY

### 4.1 Process Flow



## 4.2 Disputes

A laboratory shall only be entitled to submit a dispute with respect to a documented non-conformity within 10 calendar days of receiving the official assessment report. For other issues, a laboratory may submit a dispute at any time.

## 4.3 Appeals

Appeals may be submitted only with respect to decisions made by CALA that affect accreditation status, or decisions made with respect to a dispute.

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

## 4.4 Disputes/Appeals Log

All disputes shall be directed to the CALA Manager (or designate) responsible for the affected CALA program. The dispute will be recorded immediately in the Disputes/Appeals Log maintained electronically in the *Quality system admin folder* on the CALA server.

The Disputes/Appeals Log will include the date of the dispute/appeal, the name and laboratory number (if applicable) of the appellant, the issue, the date resolved, and the decision taken.

All Appeals shall be directed to the Quality coordinator and CALA Manager (or designate) 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, they are forwarded to the Quality Coordinator who will record the appeal in the Disputes/Appeals Log.

The Quality Coordinator maintains the Disputes/Appeals 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*.

## 4.5 Action upon Receipt

Disputes that are received will be logged and an investigation will be conducted by the CALA Manager (or designate) 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 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),

## 4.6 Investigation And Adjudication

### 4.6.1 Initiating an Investigation of a Dispute or Appeal

Normally, disputes will be investigated and adjudicated within program staff and, if necessary, other competent persons (e.g., an assessor or committee member with the appropriate expertise). For appeals, the Quality Coordinator shall normally conduct the investigation.

Acceptable alternates for this activity include the applicable program Manager, Quality Coordinator and the CEO.

### 4.6.2 General Conduct of an Investigation

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 any new evidence comes to light during the investigation, this information is shared with the disputant/appellant. If the facts identify any opportunities for improvement or nonconformity 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.

### 4.6.3 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.

#### 4.6.4 Review and Adjudication of Disputes

Disputes are reviewed by the Managers and/or designated staff of the affected programs provided they are not involved in the dispute. Where additional expertise is required to make a decision on the dispute the Manager or relevant staff shall approach 2 to 3 other competent persons (e.g., assessors, Advisory Panel members). The appellant is informed and the resulting decision is documented as part of the Disputes/Appeals Log entry for each dispute.

Decisions or recommendations made by to resolve disputes shall also be recorded with the appropriate log entry.

#### 4.6.5 Review and Adjudication of Appeals

Appeals are reviewed by the CALA Quality Coordinator. When the investigation is complete, the Quality Coordinator will appoint an Appeal Panel consisting of a minimum of three competent members.

The appeal panel members may be drawn from the Advisory Panel, Experienced assessors, Accreditation Council or the CALA Board of Directors. Persons involved in the original decision shall not be included in the appeal panel

The Quality Coordinator presents the details of the appeal and all supporting documentation to the Appeal Panel for review. All documentation provided to the appeal panel is edited to remove anything that could identify the appellant.

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 will decide to either:

- agree with the original decision and deny the appeal;
- uphold the appeal and reverse or modify the original decision;

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

## 4.7 Completion and Closure

### 4.7.1 Informing the Disputant/Appellant

Once a decision has been made with respect to a dispute, the Manager (or designated staff) of the affected program communicates the decision to the disputant. If necessary, revised documentation, such as an assessment 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 appeals, the Quality Coordinator or program Manager prepares the correspondence, for the signature of the CEO, to communicate the decision of an Appeal Panel to the appellant. The Quality Coordinator closes the entry in the log.

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

## 4.8 Review of Appeals

All appeals are reviewed during the annual management review.

## 4.9 Forms and Logs

The Disputes/Appeals Log is maintained electronically in Excel format on the CALA Server.

## 5.0 REVISION HISTORY

Revision Number	Revision Date	Nature of Revision
3.0	November 19, 2019	Section 1.0 - Updated scope
		Section 2.0 - Updated definitions.
		Section 4 - Updated flow chart
		Sections 4.6.4 and 4.6.5 -Revised composition of dispute and appeal panels
		Modified wording throughout. Removed references to PT.