

Appeals

1. Purpose

To define the process by which CBIP:

- receives, documents and evaluates appeals against decisions; and
- communicates the outcomes of the appeals process.

Note: Appeals are recorded and registered as an incident therefore also refer to CBIP's:

- Incident Investigation policy and procedure
- Incident Investigation Report template
- Investigations and Actions Register

2. Scope

Appeals against decisions relating to:

- certification processes including examination results
- performance matters
- complaints (also refer to CBIP's Complaints policy and procedure)
- Governance Board imposed sanctions for breaches of code of professional conduct and ethics.

3. Definitions

Appeal

Request by a complainant, applicant, candidate or certified person for reconsideration of any decision made by, or on behalf of, CBIP's Governance Board.

Appellant

Person who is applying for reconsideration of a decision made by CBIP.

4. Responsibilities

4.1 The **Governance Board** is responsible for:

- i. implementing the appeals process constructively, confidentially, impartially and free from conflicts of interest
- ii. the allocation of resources to manage an appeal in a timely manner
- iii. ensuring that CBIP's appeals process does not result in any discriminatory actions against the appellant
- iv. analysing summary data (qualitative and quantitative) regarding appeals as part of the annual management review process.

Note: CBIP's Governance Board is "top management". Refer to the requirements of ISO 17024 clause 10.2.5.

- 4.2 The **Governance Board Chairperson**, under delegated authority from CBIP's Governance Board, is responsible for:
- i. confirming if the appeal will be heard
 - ii. ensuring that decision-making personnel engaged in the appeals process are different to the personnel who were involved in the decision being appealed.
- 4.3 The **Operations Manager** is responsible for:
- i. acknowledging receipt of the appeal in writing to the appellant
 - ii. advising the Governance Board Chairperson that an appeal has been received
 - iii. recording and registering the appeal as an Incident
 - iv. reporting status of agreed actions; particularly where timelines have been exceeded
 - v. keeping the appellant informed about progress with the appeal
 - vi. notifying the appellant in writing of appeal outcome.

5. Policy

- 5.1 The process for managing appeals will be publicly accessible via CBIP's website.
- 5.2 Any person may appeal a decision made by CBIP if they believe they have genuine grounds to do so.
- 5.3 The right of appeal excludes allegations deemed by the Governance Board to be frivolous or vexatious in nature.
- 5.4 Appeals against Governance Board decisions may be referred to an independent investigator or external agency such as a legal representative, WorkSafe New Zealand or JAS-ANZ.
- 5.5 Appeals must be received in writing within 10 working days of receipt of the initial decision being appealed. The written submission must include the rationale for lodging the appeal.
- 5.6 If the appellant remains unsatisfied at the conclusion of CBIP's appeals process, they may refer their grievance to JAS-ANZ.

6. Procedures

- 6.1 Acknowledge receipt of appeal in writing to the appellant.
- 6.2 Review rationale for the appeal to determine if there are justifiable grounds for reconsidering the decision in question.
- 6.3 If the grounds for appeal are not accepted, inform the appellant in writing. State the reason(s) why CBIP rejected the appeal.
- 6.4 If the grounds for appeal are accepted, complete an Incident Investigation Report and register on the Investigations and Actions Register.
- 6.5 Forward appeal and any other relevant information to the person(s) investigating the appeal.
- 6.6 Forward appeals against decisions made by CBIP's Governance Board to the appropriate independent external person or agency. Depending on the nature of the appeal, this could be WorkSafe or JAS-ANZ.
- 6.7 Investigate the appeal and decide what action(s) are to be taken. Where applicable, take into account the findings of previous appeals that are similar in nature.
- 6.8 Notify the appellant in writing of the outcome of the appeal.
- 6.9 Complete the Incident Investigation Report and close out on Investigations and Actions Register.
- 6.10 Summarise information about appeal(s) for the Governance Board's annual management review.

7. Record Management

The following record must be maintained for compliance purposes:

Record	Filed	Retention
Appeal and supporting documentation	OneDrive	4 years
Incident Investigation Report	OneDrive	4 years
Annual Management Review Report	OneDrive	4 years

8. Quality Standard

ISO/IEC 17024, 2nd edition, clauses:

- 9.8 Appeals against decisions on certification
- 9.9 Complaints
- 10.2.5 Management review

9. Revision History

This document replaces:

- POL-BUS-07 Appeal (*sic*), revision 00, issued 22 June 2010
- PRO-BUS-07 Appeals against complaint decisions, revision 01, issued 1 June 2014
- PRO-BUS-12 Appeals, revision 01, issued 1 June 2015