AP-D004:
Complaint and Appeal Process

1. Scope

a) This procedure describes how:

   i. complaints and/or appeals against the Australian Paint Approval Scheme (APAS) processes or personnel, Members or Clients are handled and resolved and includes penalties or sanctions that may be applied, and
   ii. a suspended product is handled and resolved, including penalties or sanctions that may be applied

   in order to maintain the integrity of APAS.

b) This procedure applies to the Australian Paint Approval Scheme (APAS), under CSIRO Verification Services (CVS), a division of Infrastructure Technologies (InfraTech), Science Connect. It is to be applied to documents and other information relating to the operations of the quality, safety, environmental management, and conformity assessment systems.

c) This procedure is prepared in a manner compliant with the requirements of AS/NZS ISO/IEC 17065.

d) APAS® is a trademark registered with IP Australia, owned by CSIRO, the Scheme Owner, and protected under applicable laws. Use of the trademark or the Certification Scheme is prohibited unless prior approval in writing is obtained from CSIRO via the APAS Secretariat.

2. Authority and Responsibility

a) When considering this procedure, the following applies:
   i. The CVS Group Leader, CVS Executive Officer, and APAS Executive Officer (EO) are responsible for the content of this procedure.
   ii. The APAS EO is also responsible for ensuring compliance to and maintenance of this procedure.
   iii. Personnel with the authority to carry out activities related to the content of this procedure in the course of their daily activities are responsible for adhering to all the applicable requirements of this procedure.

3. Definitions and Acronyms

3.1 Definitions

The definition of terms used in this procedure and in the Certification Scheme can be found in APAS document AP-D001. In addition, the following definitions within this procedure shall apply:

Appeal	A request for reconsideration of a decision made by APAS and/or CVS personnel and/or Disputes Committee.
Appellant	A person that initiates an appeal made against a complaint decision; may be, but is not restricted to, a representative of an APAS Client (i.e., APAS Signatory, member of senior management etc.,), APAS Member, or a person from the general public.
Complaint	Notification to the APAS EO and/or a CVS personnel about a perceived departure from APAS procedures and processes by a person or organisation. Complaints may also be raised about actions of people or organisations that have brought, or are perceived to have brought, APAS into disrepute. Complaints can also be lodged against the APAS system(s) used to ensure the integrity of the Certification Scheme.
Complainant	A person that initiates a complaint; may be, but is not restricted to, a representative of an APAS Client (i.e., APAS Signatory, member of senior management etc.,), APAS Member, or a person from the general public.
Subject	The APAS and/or CVS process, procedure or personnel, Member or Client the complaint has been raised against.
Suspension	The temporary discontinuation of RMU and/or product certification pending end of suspension period and/or review of product certification submission.

3.2 Acronyms

APAS	Australian Paint Approval Scheme
AS/NZS	Australian and New Zealand Standard
ATAP	APAS Technical Advisory Panel
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CRN	Complaint Register Number
CVS	CSIRO Verification Services
EO	Executive Officer, APAS
InfraTech	Infrastructure Technologies
IQM	Infrastructure Technologies Quality Manager
ISO/IEC	International Organisation for Standardisation and International Electrotechnical Commission
NOF	Notice of Findings
NPW	Notice of Probationary Warning
RMU	Recognised Manufacturing Unit
WHS	Workplace Health and Safety

4. Referenced Documents

a) The following standard is referenced in this procedure:

i. **AS/NZS ISO/IEC 17065** - Conformity assessment: Requirements for bodies certifying products, processes, and services.

This document may be purchased through the Reference Standards Australia website.

b) The following APAS documents are referenced in this procedure:

i. AP-CR001 APAS Complaints Register (Internal)
ii. AP-D001 Rules governing how APAS operates
iii. AP-D202 APAS Control of System Improvements (Internal)
iv. AP-D177 Product manufacturer participation in APAS
v. VS-CR002 Verification Services Complaint Registration Form (Internal)

All APAS documents (except those marked Internal) are available for download from the Document Section of the APAS website.

5. Acceptable grounds for complaints

One or more of the items listed below (clauses 5.1 – 5.3) are considered sufficient grounds for lodging a complaint.

5.1 Complaints against APAS

a) Where an APAS and/or CVS personnel has, by their actions, words, or deeds, brought APAS into disrepute.

b) Where an APAS and/or CVS personnel is, or has been, the subject of a perceived or actual conflict of interest, bias, or risk to impartiality.

c) Where any published process or procedure or document fails to maintain the impartiality and/or integrity of the Certification Scheme.

5.2 Complaints against Members

a) Where any conviction in any court, civil or criminal, has been bought against the Member or one or more of its personnel.

b) Where a Member provides false or misleading information to, or about, APAS and which causes the credibility or integrity of APAS to be called into question.

5.3 Complaints against Clients

a) Disputes between asset owners, applicators and Clients may arise over the performance of a certified product.

b) Where a Client provides false or misleading information to, or about, APAS and which causes the credibility or integrity of APAS to be called into question.

c) Where a Client is alleged to have used fraudulent practices such as altering reports, documents, test records etc.

d) Where a Client fails to meet the ongoing requirements for product certification in an existing product certification.

e) Where any conviction in any court, civil or criminal, has been bought against the Client or one or more of its personnel.

f) Where the Client is alleged to have misused the APAS logo so as to provide a misleading picture of the status of certification of a product.

6. Complaint process

6.1 General matters

a) Any person can initiate a complaint providing it complies with the requirements set down in this document.

b) All formal complaints shall be submitted to the EO in writing on formal letter head electronically.

c) All submitted complaints must identify the Subject of the complaint and the Complainant by both name and organisation and provide full contact details. Complaints not so identified will not be formally addressed by the EO.

d) APAS encourages parties involved in product performance complaints to resolve such issues amongst themselves in the first instance.

e) All submitted complaints will be handled seriously and expeditiously by the EO.

f) The EO shall be responsible for maintaining full and complete records of the process.

6.2 Complaint registration

a) Each complaint received is registered on a VS-CR002 form (Complaint Registration Form) with full details of the complaint added to this form. Each complaint is allocated an individual and sequential CRN (Complaint Registration Number). The EO shall maintain a register of all complaints received (AP-CR001 APAS Complaints Register). For further information, refer to APAS document AP-D202.

b) The EO shall assess the complaint, taking into consideration the Complainant and their affiliation(s), the seriousness of the complaint, the supplied evidence, and any other relevant matters that are required to determine if the complaint relates to certification activities that APAS is responsible for.

c) The EO shall decide whether the complaint has merit and if there is sufficient evidence to enable a conclusion to be drawn. This may be done in consultation with one or more CVS personnel, the IQM and/or the APAS Technical Advisory Panel (ATAP).

6.3 Complaints processing

a) If the EO decides the complaint will be proceeded with, the EO shall decide whether the complaint can be handled by the EO only or whether a Disputes Committee needs to be established. This may be decided after consultation with either the Complainant and/or CVS personnel and/or the ATAP.

b) The EO will formally communicate with the Subject of the complaint (where applicable) advising them of receipt of the complaint and the process about to be followed.

c) The Subject will be sent a deidentified copy of the complaint and asked to submit a response and any supporting evidence by a date not greater than two (2) weeks from the date of this contact.

d) The EO will be responsible for the gathering and verification of all relevant evidence from all relevant parties to be able to progress the complaint to a decision withing a 3 to 6 week timeframe from initial receipt of the formal complaint. This is subject to change depending on workload of the EO and/or availability of CVS personnel.

e) The EO (in consultation with CVS personnel and/or ATAP Chairperson, where appropriate) will decide whether the complaint is justified or not and whether any penalty is appropriate. The decision resolving the complaint shall be made by (or reviewed and approved by) an APAS and/or CVS personnel that have not been directly involved in the certification activities specifically related to the complaint.

f) The Subject of the complaint will be issued a Notice of Findings (NOF), and the Complainant notified of the outcome of investigation. All information arising from the investigation, evaluation and resolution of complaints shall be incorporated into the CRN on the applicable VS-CR002 form allocated to the complaint.

NOTE: APAS and CVS do not offer consultancy in any form to its Clients. Any APAS and/or CVS personnel who has acted in a consultancy capacity or has been employed previously by a Client (that is the subject of the complaint and/or appeal) prior to their role in APAS will not be used in a review or approval capacity for that client within a minimum of two years following the end of their consultancy and/or employment.

6.4 Complaints finalisation

a) The Subject will be given two (2) calendar months to rectify all shortcomings and provide adequate evidence.

b) Where the EO judges the complaint to be justified and where a simple corrective action is all that is required, the EO shall promptly initiate any required change(s).

c) For product performance related complaints, the EO may request the conduct of either a product audit and/or an RMU site audit in order to ascertain causes and corrective action effectiveness. For all other complaint types, the EO shall take subsequent action applicable and appropriate to reach complaint resolution.

d) The CRN will be closed off in the VS-CR002 form and the AP-CR001 register following the procedure of AP-D202, and a summary of all complaints shall be tabled at the next ATAP meeting. Wherever possible, the EO will give formal notice of the outcome and end of the complaint process to the Complainant and the Subject of the complaint.

7. Right of appeal

a) The Subject of a complaint has the right of appeal at the time the EO and/or CVS personnel and/or Disputes Committee supplies the subject with the Notice of Findings.

b) All appeals shall be lodged in writing on formal letter head and submitted electronically within fourteen (14) days of the Notice of Findings date.

c) The Subject has the right to request a face-to-face meeting either in person or via video link to consider the appeal.

d) Any costs associated with the Appeal shall be borne by the Subject and settled prior to the appeal hearing.

e) A person having the authority to agree to a resolution of the dispute shall be present at this hearing.

f) Neither party is entitled to legal representation at the hearing.

g) The EO shall take subsequent action applicable and appropriate to reach appeal resolution.

h) The EO shall give formal notice of the finalisation and outcome of the appeal process via email correspondence with the Appellant.

8. Penalties

a) Depending on the severity of the fault, APAS may elect to impose one or more of the following penalty options.

NOTE: Depending on the severity of the personnels actions, any APAS and/or CVS personnel who has been the subject of a perceived or actual conflict of interest, bias, or risk to impartiality in the APAS Scheme certification process or by their actions, words, or deeds, brought APAS into disrepute shall be handled in accordance with the CSIRO Code of Conduct.

8.1 Client penalties

a) A Client whose product is the subject of a justified complaint judged minor shall be issued a Notice of Probationary Warning (NPW).

b) The NPW will remain in force for a period to be decided by the EO but not less than six (6) months and not longer than eighteen (18) months.

c) During the period of the NPW, the Client may still operate using APAS certification but remains under close supervision.

d) The NPW is publicised to all APAS Members, and the List of Participating Manufacturers and Resellers (including APAS website) is amended to show an NPW is in force.

8.2 Suspension of accreditation

a) A Client who is the subject of a justified complaint judged serious by the EO shall have their APAS accreditation suspended.

b) A Client under an NPW becoming the subject of a second proven complaint within eighteen (18) months from the date of the initial complaint shall have their NPW upgraded to a Suspension.

c) The Suspension will remain in force for a period to be decided by the EO but not less than six (6) months and not longer than eighteen (18) months.

d) During the period of the Suspension, the Client shall **not** trade using APAS accreditation.

8.3 Suspension of product certification

a) Where a Client fails to meet the ongoing requirements for product certification in an existing product certification, the current product certification is temporarily suspended until such a time as the ongoing requirements can be met. The Client is informed accordingly.

b) Within the temporary suspension period:

i. the product(s) is removed from the List of Approved products, and
ii. notification of temporary suspension is emailed to all applicable parties, and
iii. the APAS website is updated to include all relevant information relating to the suspension.

c) After the end of the suspension period, if the product is able to meet the ongoing requirements for certification, then:

i. the product certification is reinstated on the List of Approved products, and
ii. all applicable parties are informed by email, and
iii. the website is updated accordingly.

d) If the product is unable to meet the ongoing requirements, the product is permanently removed from the List of Approved Products, all applicable parties are informed by email and the website is updated accordingly.

e) Should circumstances change, product certification can be sought at any stage after the product has been removed from the List of Approved products as long as it can meet the ongoing requirements of product certification.

8.4 Cancellation of accreditation

a) A Client who is the subject of a justified complaint arising from a serious breach of workplace safety or WHS legislation or civil or criminal conviction, shall have their APAS accreditation suspended.

b) A Client under a suspension becoming the subject of an additional proven complaint within eighteen (18) months from the date of the suspension shall have their suspension upgraded to a withdrawal of accreditation.

c) The withdrawal of accreditation will remain in force for a period to be decided by the EO but not less than six (6) months and not longer than twenty-four (24) months.

d) During the period of the withdrawal of accreditation, the Client shall **not** trade using APAS accreditation.

8.5 Other penalties

a) While a complaint may be proven, the nature of the complaint may be deemed trivial. The APAS EO may therefore impose a penalty that is more fitting to the incident. However, a series of trivial complaints against a Client may call the Client's method of operation and continued certification into question.

9. Removal of penalty

a) A Client under a current penalty may re-apply for APAS accreditation once the period of the penalty has expired.

b) A request for removal of the current penalty shall be made in writing on formal letter head and submitted electronically to the EO. It shall detail reasons why the removal is warranted and the changes that have been made to ensure there is no repeat of the original issue.

c) If the EO is of the opinion that there has been a cultural and procedural change in the organisation of sufficient magnitude and substance, the penalty may be lifted.

d) Lifting of a penalty **does not automatically result in re-instatement** of accreditation. It merely permits the Client to re-apply for accreditation.

e) Such a re-application of accreditation shall be treated as a new application with all necessary fees and charges being applicable again. During the subsequent audit, either the EO or an authorised and suitable qualified representative acting on behalf of APAS and / or Technical Assessor will be expected to pay particular attention to the substance of the issue that led to the original penalty.

Appendix A Document History

Status: Current
Version: 7
Date Published: 30-08-2024
Authorised by: Trudy Lennon-Bowers, Executive Officer - CVS

Document Version No.:	Date Published:	Summary of Changes:
7	30-08-2024	• Document updated in line with 2024 internal audit findings and general document review: - Name change: 'Rules governing appeals and complaint handling' to 'Complaint and Appeal Process' - Addition/changes: Members and Clients (clause 1 a) i.); authority updated (clause 2); Appellant, Complainant and Subject definitions (clause 3.1); acronyms AS/NZS, CRN, CVS, InfraTech, IQM, ISO/IEC and NOF (clause 3.2); AP-CR001, AP-D202 & VS-CR002 (clause 4 b), 6.2 a), 6.3 f) & 6.4 d)] ; CVS personnel [5.1 a)]; CVS members [clause 6.2 c), 6.3 a) & e) and 7 a)]; updated correspondence method [Clause 6.1 b) & 7 b)]; delivery of Notice of Findings and information in a CRN [clause 6.3 f)]; consultancy and personnel for review and decision (clause 6.3); clarification of complaints decision [clause 6.3 e)]; action needed for resolution of complaints [(clause 6.4 c)] and appeals [clause 7 g)]; complaint outcome [clause 6.4 d) & 7h)]; APAS/CVS personnel complaints (clause 8 a) NOTE) • Minor editorial changes • Updated document format in line with CSIRO branding
6	12-05-2023	• Updated document to include reference to waterproofing materials • Updated clause 3 f) 'Member' definition to be in line with APAS document AP-D001 • Term OH&S replaced with WHS in line with APAS document AP-D001 • Minor format changes • Removed clause number from Appendix A
5	21-01-2022	• Updated document to include how a suspended product is handled and resolved, including penalties or sanctions that may be applied in clauses 1, 3.1, 5.3 and 8.3
4	11-06-2021	• Updated APAS website details within document • Further defined clause 1 b) Scope
3	20-10-2020	• Addition of Appendix A Document History and removal of the Editorial Note previously used in document versions • Updated clauses 1, 3, 4, 5, 6,
2	21-09-2020	• Updated document to the current format • Document brought in line with requirements of AS/NZS ISO/IEC 17065 • Updated definitions and references in line with the certification scheme • Updated internal document references, acronyms, and website details • Addition of "People + Product = Protection" to Footer
1	12-01-2016	• Minor revision to align it with current revisions of other APAS documents
0	06-01-2009	• Original document version