

# Procedure 7: Complaints and Appeals Process

Certified Seafood International (CSI) Certification Program

Fully Aligned to ISO 17065

## Procedure 7: Complaints and Appeals Process

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## 1 Purpose

This document sets out the processes that Certified Seafood International (CSI) will follow when handling complaints or appeals about its Certification Program.

## 2 Scope

This procedure covers the handling of all complaints and appeals received by the CSC in relation to the operation of its Certification Program, including concerns related to standard setting, scheme governance, quality assurance and misuse of the CSI logo. It describes the actions to be taken by CSI for effective follow-up, monitoring and review of complaints and appeals. The procedure is accessible to certification clients, applicants and the public.

## 3 Definitions

### **Appeal**

Formal request for reconsideration of a certification decision. The party lodging an appeal is called the 'appellant'.

### **Complaint**

Formal expression of dissatisfaction (other than appeal) where a response is expected. The party lodging a complaint is called the 'complainant'.

### **Complaint Register**

A running list of all complaints and appeals lodged with the RFM Certification Program showing the current status of each submission.

## 4 Scoping and Categorization

### 4.1 Confirm Submission is Within Scope

CSI will review written expressions of dissatisfaction it receives regarding its Certification Program. The CSI Vice President, Program and Standards will evaluate each submission to determine if it falls within program scope.

Complaints about an applicant or certified entity, whether Chain of Custody (CoC) clients or fishery clients, will be deemed out of scope if the issues raised in the submission are primarily about:

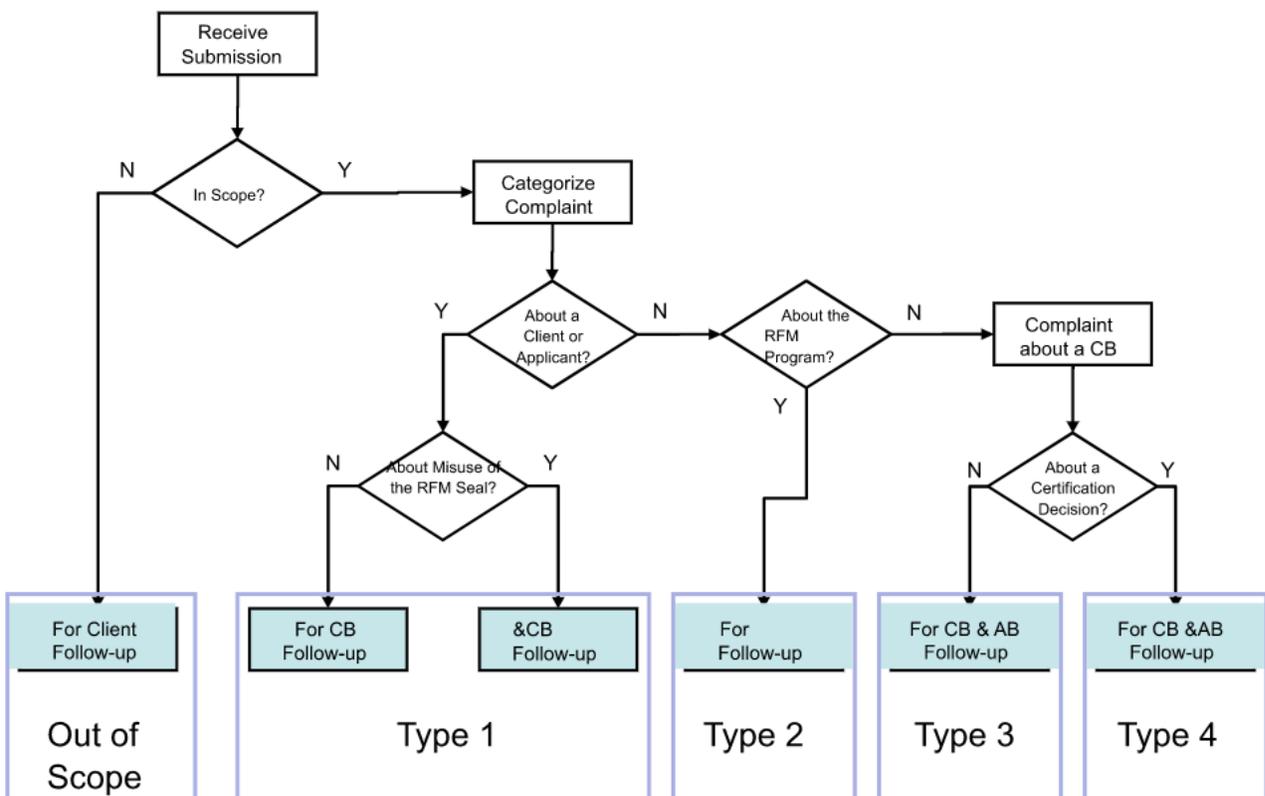
- Product integrity or quality; or
- Business practices of the organization that are unrelated to CSI certification; or
- Issues that are otherwise not materially related to compliance with CSI Certification Standards.

Complaints found to be out of scope will be referred to the respective client for appropriate action and will not be recorded in the RFM Complaint Register.

## 4.2 Categorization

Complaints which are confirmed as falling within the scope of this procedure will be categorized and managed according to four types and an appeal process:

- Type 1 - Complaint about an applicant or certified organization<sup>1</sup>;
- Type 2 - Complaint about the CSI standard setting process or CSI operations;
- Type 3 - Complaint about an CSI-approved Certification Body; and
- Type 4 - Complaint of a certification decision.
- Appeal of a certification decision by a Certification Body (see 5.5)



<sup>1</sup> Type 1 complaints include allegations of misuse of the CSI logo or CSI Claim.

## 5 Handling Complaints and Appeals

### 5.1 Complaint about an RFM Certified Organization (Type 1)

In general, a complaint about an applicant or certified organization (Type 1) will be referred to the Certification Body of record in the first instance. The complaint will be logged in the Complaint Register and the Certification Body will be instructed to investigate the complaint in line with CSI requirements for Fishery Certification (Procedure 2) and/or Chain of Custody Certification (Procedure 4) as applicable. The CSC RFM Program Manager will request the Certification Body to report back on the outcome of its investigation within 30 calendar days.

In addition to the foregoing, if the complainant has alleged a misuse of the logo by the organization, CSI will initiate its own investigation of the complaint. At the direction of the Vice President, Program and Standards CSI staff will gather evidence to establish a record of the products involved, including all product forms, species, regions of harvest, associated organizations, and sales. CSI staff may also conduct a trace-back study if doing so is warranted based on results from the investigation.

NOTE: A breach of the Terms of Conditions for Use of the CSI logo may lead to a product recall. Sanctions may apply in accordance with CSI policy (Procedure 6). CSI will notify the Certification Body about potential misuse of the logo by the client, direct the Certification Body to perform its own investigation of the complaint, and instruct the Certification Body to report back on the extent of the issue.

CSI staff will inform the Vice President, Program and Standards when the complaint has been closed out, identifying any corrective actions that were taken as a result of the complaint investigation. The Vice President, Program and Standards or designee, will inform the complainant of the outcome.

### 5.2 Complaint about the Program (Type 2)

Complaints about the Certification Program itself (Type 2 complaints) are within the scope of this procedure. Type 2 complaints may extend to issues concerning standard setting/revision processes, scheme governance, or administrative functions.

Type 2 complaints are a priority and as such will be communicated to the CSI Executive Director, or designee, for immediate attention. The CSI Executive Director, or designee, will acknowledge receipt and inform the complainant of how CSI will investigate the complaint and the likely timeframe for a formal response.

If the CSI Executive Director appoints a lead person from within CSI to investigate the complaint, that appointee shall be, to the extent practical, independent of those activities that were highlighted in the complaint. Results of the investigation will be documented. When the investigation is concluded, the CSI Executive Director or designee, will inform the complainant of the outcome, including any corrective actions taken.

### 5.3 Complaint about a Certification Body (Type 3)

Complaints about the activities of a CSI-approved Certification Body in relation to the Certification Program (Type 3 Complaint) will be managed by the CSI Executive Director or designee. Receipt of the complaint will be acknowledged, and an investigation will be initiated

as appropriate to the nature and extent of the allegations made in the complaint. At a minimum, the CSI Executive Director will:

- Inform the Certification Body of the details of the complaint;
- Inform the Accreditation Body of record of the details of the complaint; and
- Request a formal response from the Certification Body to the concerns raised;

CSI Executive Director, or designee will be responsible for initiating and managing resolution of all Type 3 complaints. This will include follow-up communications with the complainant to assess whether the Certification Body's response to the complaint, as well as any associated corrective actions taken, was satisfactory to resolve the complaint. In the event of an unresolved complaint, the CSI Executive Director, or designee will inform the complainant of the option to resubmit their complaint directly to the Accreditation Body of record for further consideration.

#### 5.4 Complaint or Appeal Concerning Certification Decision (Type 4)

If a certification client or applicant or external party wishes to challenge the certification decision<sup>2</sup> taken by the CSI-approved Certification Body, the party shall within 14 days of official notification of the decision, submit a written complaint or appeal to the Certification Body with the CSI Vice President, Program and Standards in copy. The submission must clearly state the basis for the complaint/appeal, identifying the party's relationship to the certification client or applicant and describing the party's participation in the assessment process. The Certification Body will initiate its own complaints and appeal process in line with its own procedures and in accordance with the requirements of ISO 17065. Upon completion, the Certification Body will inform the complainant/appellant, certification client or applicant, and CSI of the outcome of the complaint or appeal including any corrective actions taken by the CB.

#### 5.5 Appeal of Certification Decision to CSI

If the appellant is dissatisfied with the outcome of the Certification Body's complaints and appeals process, the party may, within 14 days of notification of the Certification Body's decision, lodge an appeal with CSI.

Upon receipt of such an appeal, the CSI Vice President, Program and Standards will review the submission to confirm it meets the following eligibility criteria:

- The technical matters raised in the appeal have merit;
- The appellant has sufficient standing to lodge an appeal (only registered stakeholders and certification clients or applicants may lodge an appeal); and
- The CB has completed its own documented review of the complaint or appeal.

Once the eligibility of the appeal has been established, the Vice President, Program and

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<sup>2</sup> A certification decision may be positive or negative and it may entail granting or refusing certification, extending, or reducing certification scope, or suspending or withdrawing a certificate.

Standards will ask the appellant to pay an appeal fee (US \$7,500) The CSI Vice President, Program and Standards will then notify the appellant that CSI has accepted the appeal.

Within 10 days of acceptance, CSI will initiate the formation of an Appeals Panel (AP). The CSI Vice President, Program and Standards will confer with the Chair of the Fisheries Standard Committee (FSC) to identify suitably qualified people to serve on the panel. The AP will be comprised of one to three persons with relevant expertise in the subject matter under appeal, familiarity with certification processes, and knowledge of the CSI Standards. Panel members will be appointed on an ad hoc basis and may be drawn from the FSC or other qualified individuals<sup>3</sup>, however no person with a commercial interest or known bias in the subject of the appeal will be appointed to serve on an Appeals Panel.

The AP will hold its first meeting (in person or via teleconference) within 30 days of CSI's acceptance of the appeal. The procedures and standard of review is given in the Appeals Panel Terms of Reference (Appendix 1). The objective of the AP's review is to determine whether the certification decision taken by a Certification Body was materially affected by: 1) a procedural error arising during the assessment; or 2) an error of fact whether through misinterpretation, omission or otherwise.

Panel members should evaluate whether the certification decision was reasonable or not in light of the material evidence available to the CAB, but AP members shall not substitute their own views or opinions for those of the Certification Body. The AP will complete its review of the appeal within 60 days of its first meeting. The AP, may at its discretion, the panel may request additional information or clarification from the Certification Body, client, appellant and/or other parties as the panel deems necessary to conduct the review. CSI will appoint a secretary to assist the panel with the collection of information.

After completing its review of relevant material evidence, the AP will prepare a written decision summarizing their findings. The panel's written decision will include a clear statement as to whether the certification decision should be upheld or not, the basis for that decision, and any recommended actions arising from their review. The decision by the AP is final and is not subject to further appeal. 5.5.1 Outcome of Appeal Panel Review

If the decision of the AP is to uphold the CB's certification decision, then CSI will inform the appellant, client or applicant, CB, and AB of record about the AP's decision. Pursuant to the CB satisfactorily responding to any recommended actions that may have arisen in AP review, CSI will consider the matter closed.

If the decision of the AP is to not uphold the CB's certification decision, then CSI will inform the appellant, client or applicant, CAB, and AB of record about the AP's decision. The Vice President, Program and Standards will send the AP's written decision to the CB and ask the CB to review its certification decision in light of the AP decision. Within 30 days of receipt, the CB shall respond to CSI with a written description of the actions to be taken to address the matters raised by the AP.

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<sup>3</sup> The RFM Team may keep a list of suitably qualified individuals who are interested in serving on an Appeals Panel.

The Vice President, Program and Standards shall review the adequacy of the CB's proposed actions. If they are found to satisfactorily address the decision of the AP, including any AP recommendations, then the Vice President, Program and Standards shall accept the CB's proposed actions. CSI will notify the CB of acceptance and will agree a timeframe for implementation with the CB. CSI will consider the matter closed when all agreed actions are completed.

In the unlikely event that the Vice President, Program and Standards concludes that CB responsiveness to an AP decision is unsatisfactory, or the agreed actions were not taken by the CB, then the matter shall be forwarded to the AB of record for further review and potential accreditation action. In the extremely unlikely event that CB responsiveness remains unsatisfactory after AB review and accreditation action, then the Vice President, Program and Standards will initiate the process of rescinding CSI approval of the CB to participate in the Certification Program.

## Monitoring and Review Monitoring:

The Vice President, Program and Standards or designee will record all complaints and appeals in the Complaint Register. The register will be regularly updated to monitor progress towards resolution (i.e. close-out) of complaints and appeals.

### Review:

The Complaint Register will be made available for internal audits and it will also be used in the Internal Annual Program Review (Procedure 5). At the discretion of the Vice President, Program and Standards the RFM Complaint Register can be shared with interested parties.

1 Type 1 complaints include allegations of misuse of the CSI logo or CSI Claim.

2 A certification decision may be positive or negative and it may entail granting or refusing certification, extending or reducing certification scope, or suspending or withdrawing a certificate.

3 CSI may keep a list of suitably qualified individuals who are interested in serving on an Appeals Panel.

## **Appendix 1. Terms of Reference for Appeals Panel Members**

The objective of the Appeals Panel's review is to determine whether the certification decision that was taken by the Certification Body was materially affected by: 1) a procedural error arising during the assessment; or 2) an error of fact whether through misinterpretation, omission or otherwise. Panel members will not substitute their own views or opinions for those of the CAB.

### **Constitution**

Up to three members of the Fisheries Standard Committee may be appointed from the Committee by the Chairperson to act as an Appeals Panel for Complaints regarding Fishery Certification Decisions. Other individuals with qualifications and background deemed appropriate by the Chairperson may also serve on the Appeals Panel.

The Appeals Panel shall appoint the Chairperson.

The CSI Executive Director or Vice President, Program and Standards, shall be an ex-officio member of the CSI Appeals Panel and act as Secretariat, but shall not vote.

Members of the Appeals Panel shall be appointed so that no one interest predominates.

### **Terms of Reference**

The functions of this Panel include:

- Listening to complaints, appeals, disputes, and grievances relating to issues and withdrawal of Fishery Certificates of Approval;
- Making judgments on formal complaints and appeals and communicating findings to relevant parties.

### **Rules of Procedure**

Members must sign a confidentiality/conflict of interest declaration before attending initial meetings.

The evidence will be prepared and presented by the CSI Executive Director or Vice President, Program and Standards. The Certification Body and Fishery Applicant or Client shall have the opportunity to present their arguments.

Minutes of all meetings shall be prepared and circulated in advance of the next meeting. These minutes shall be approved at the next meeting, providing quorum exists.

Each member shall have one vote. In the event of a tied vote the Chairperson or person presiding shall instruct that all voting members not present be notified of the issue and requested to advise their decision. Should this fail to result in a clear majority either for or against the proposal, the proposal shall be withdrawn and *status quo* prevails.

With the consent of members of the Appeals Panel, specialist advisors may attend meetings

but they shall not vote. Specialist advisors shall be required to sign a confidentiality and conflict of interest declaration.

The findings of the Complaint Appeals Panel shall be communicated by the CSI Executive Director or Vice President, Program and Standards to the Fishery, the Certification Body, and the Accreditation Body.

The Complaint Appeals Panel has no authority to overturn a certification decision and can only make recommendations to the Certification Body and relevant Accreditation Board.

### **Conflict of Interest and Confidentiality**

All Appeals Panel members shall sign a conflict of interest and confidentiality undertaking. Should a conflict of interest arise, the member will report this to the Chairperson as soon as reasonably possible. The Chairperson shall decide and instigate appropriate action. All such reported conflicts of interest and follow up action agreed shall be recorded on the Appeals Panel file.

Appeals Panel members shall agree to maintain in confidence all information obtained during the course of their review other than that information which has been authorized by CSI for disclosure; that which is required to be disclosed by law; or that which is already in the public domain.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

