

SAIW Certification Operations Manual	SAIW Certification General Operating Procedure	Procedure No.	GOP 04 – 2
		Issue Date	29 / 04 / 2023
	Formal Complaints (Inquiry adjudication / Complaints panel)	Revision No	00
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1 **Scope**

This procedure sets out the procedural and substantive requirements for the handling of:

- 1.1 Complaints laid against Applicants and Candidates;
- 1.2 Complaints laid against persons or organizations Certified or Qualified by SAIW Certification;
- 1.3 Complaints laid against SAIW Certification; and

2 **Definitions**

2.1 **Inquiry Panel**

A group of at least three suitably qualified persons nominated by the relevant Scheme Committee or Subsidiary Board, from the members of such Scheme Committee or Subsidiary Board, whose duty it is to adjudicate Complaints referred to it by the Complaints Panel.

2.2 **Complaint**

A written submission sent to SAIW Certification Secretariat, either via email or registered post, whereby a Complainant lodges a complaint in respect of the competence, integrity or quality of work of any Certified or Qualified Person or Organisation.

2.3 **Complainant**

An Applicant, Candidate, Certified Person or Organization who/which has submitted a formal written Complaint, as per 4.2.4 above.

2.4 **Complaints Panel**

A group of at least two suitably competent/qualified persons, appointed by the relevant Scheme Committee secretariat. Members of the secretariat may be members of the Complaints Panel.

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2.5 Days

All reference to days in this document refers to working days, excluding weekends and public holidays.

2.6 Respondent

Any Applicant, Certified Person, Qualified Person or Organisation that has had a formal Complaint lodged against him/her/it as per 4.2.4 above.

3 Reference Documents

- 3.1 SANS ISO 17021 Conformity assessment – Requirements for bodies providing audit and certification of management systems
- 3.2 SANS ISO 17024 Conformity assessment – General requirements for bodies operating certification of persons
- 3.3 IIW Doc IAB-001 Rules for the implementation of IIW Guidelines for the education, examination and qualification of welding personnel
- 3.4 IIW Doc IAB-339 Rules for ANBCCs Operating the IIW Manufacturer Certification Scheme
- 3.5 IIW Doc IAB-341 Rules for Implementation of IIW Scheme for Certification of Personnel with Welding Coordination Responsibilities

4 Inquiry Panel

4.1 Evaluating potential complaints

- 4.1.1 The Inquiry Panel shall be obliged to notify the Complainant, Respondent and relevant scheme committee within 10 (ten) days of its appointment, of the date, time and venue of the Complaint Inquiry, which shall be held within 20 (twenty) days of appointment of the Inquiry Panel or at the earliest convenient time that suit both parties.

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4.1.2 The Inquiry Panel shall record the conduct of its meeting in the form of minutes or a transcription, which minutes/transcription are to be signed and ratified as a true and correct record of the proceedings by all of the members of the Inquiry Panel within 10 (ten) days from the date of the meeting of the Inquiry Panel.

4.1.3 A copy of such minutes/transcription shall be made available within 10 (ten) days of receipt by SAIW Certification Secretariat of a written request for same. If the minutes/transcription are not yet available at the time of request, such records shall be made available within 10 (ten) days of such record being received by SAIW Certification Secretariat

4.1.4 The Inquiry Panel shall be obliged to consider the Complaint in a manner that is fair and reasonable in the circumstances, considering the values of openness, transparency and accountability.

4.1.5 The Complaint shall be read to the Inquiry Panel. If the Respondent is present in person, the Chairperson of the Complaint Inquiry shall ensure that the Respondent understands the nature of the Complaint(s) made against him, and his rights in respect of same.

4.1.6 Neither the Respondent nor the Complainant shall be obliged to appear at the Complaint Inquiry in person, unless the Respondent is required by the Inquiry Panel, on reasonable notice, to appear and give evidence in person. If the Respondent or Complainant does appear in person, such person shall be required to answer questions put to him truthfully and accurately, to the best of his knowledge and belief.

4.1.7 The Respondent shall not be entitled to legal representation in front of the Inquiry Panel.

4.1.8 The Secretariat shall appoint a person to represent the Complainant in the Complaint Inquiry, provided that no member of the Secretariat who sat as a member of the Complaint Panel shall be eligible to take part in the Complaint Inquiry in any manner.

4.1.9 The Complainant and the Respondent (and or their Representatives) shall both be given the opportunity to present their evidence to the Inquiry Panel and call witnesses,

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and shall be entitled to ask questions and cross-examination the representative for other side or its witnesses.

4.1.10 If the Respondent is not a first language English speaker, he will be entitled to request the services of an interpreter or fellow staff member to aid him with translation during the Complaint Inquiry at his own cost.

4.2 Findings of the Inquiry Panel

4.2.1 The Inquiry Panel shall make a finding that either the Complaint is valid or that the Complaint is not valid.

4.2.2 If the Inquiry Panel finds that the Complaint is not valid, it shall dismiss same.

4.2.3 If the Inquiry Panel finds that the Complaint is valid, it shall recommend appropriate sanction to the SAIW Certification Governing Board or in the event that the Governing Board has delegated authority to the relevant Scheme Committee to deal with the Complaint, it shall recommend appropriate sanction to the relevant Scheme Committee.

4.2.4 The Inquiry Panel shall furnish the SAIW Certification Secretariat with its decision and written reasons therefore within 15 (fifteen) days of the finalisation of the Complaint Inquiry. Thereafter the SAIW Certification Secretariat shall have 10 (ten) days in which to communicate the findings of the Inquiry Panel to the Complainant, The Respondent, and the Scheme Committee.

4.2.5 The Inquiry Panel shall be entitled to withhold its decision for any period of time that is reasonable in the circumstances where it is not in a position to make an informed decision for lack of evidence, information or otherwise.

5 **Notification of Rights On Complaint, Appeal or Review to Applicants**

Every applicant for certification shall be given a copy of Form GF 03 or GF 04 which sets out the rights and obligations of all applicants, candidates, complainants, appellants and respondents in the event of receipt by SAIW Certification Secretariat of a complaint, application for appeal or application for review.

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6 **Complaints register.**

Refer to : **GF 19 Complaints Register
(SAIW One Drive – Active register)**

- 6.1 Complaints shall be added to the complaints register by either the relevant manager or the executive secretary.
- 6.2 The executive secretary shall monitor the complaints resolution and report to the executive director should unsatisfactory progress be made, or any complaint not be addressed within the allocated time and without reason.
- 6.3 The complaints register is a life document accessible by:
 - 6.3.1 Executive Director
 - 6.3.2 Executive Secretary
 - 6.3.3 Managers
- 6.4 The Compliant register is subdivided into the following service related activities:
 - 6.4.1 Finance & Admin
 - 6.4.2 Training
 - 6.4.3 Consultation & Technical Services (ISO 17025)
 - 6.4.4 Personnel Examination & Certification (IIW ANB / ISO 17024)
 - 6.4.5 Company Auditing & Certification (IIW ANBCC/ ISO 17021)
 - 6.4.6 Quality & Other

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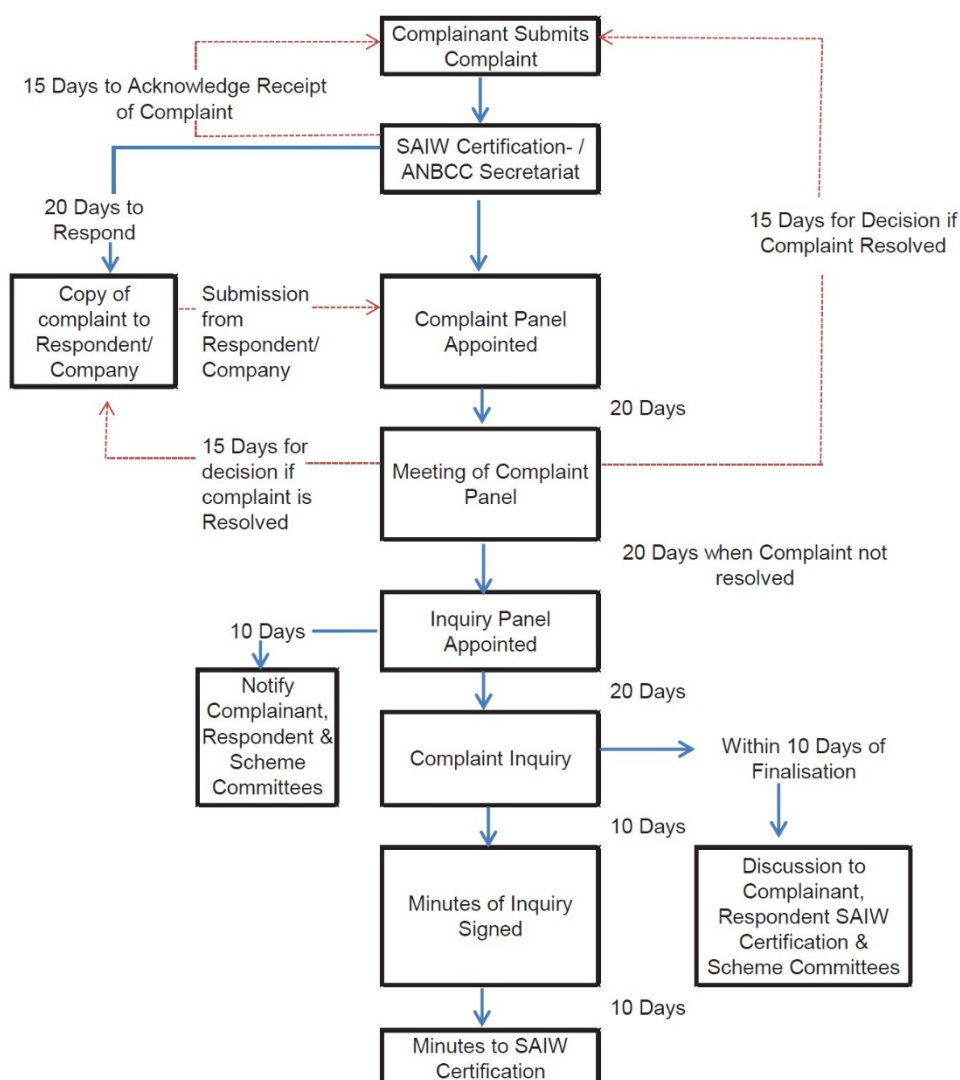
7 Formal Complaints

(In addition to GOP 04 – 01)

7.1 Complaints Handling Process



Complaint Process for Personnel and Certified Companies



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7.2 Receipt of formal complaints

7.2.1 A description of the complaints procedure shall be made publicly accessible as required by ISO 17021 on the SAIW website. Any person ('the Complainant') may submit a Complaint in writing to SAIW Certification Secretariat regarding the competence, integrity or quality of work of any Applicant, Candidate or Certified Person or Organisation ('the Complaint')

7.2.2 SAIW Certification Secretariat shall be obliged to acknowledge receipt of the Complaint in writing within 15 (fifteen) days of receipt of same and shall within the same period of time be obliged to send a copy of the Complaint (and any supporting documentation supplied to SAIW Certification Secretariat by the Complainant in support of the Complaint) to the person against whom the Complaint was laid ('the Respondent')

7.2.3 SAIW Certification Secretariat shall be obliged to acknowledge receipt of the Complaint in writing within 15 (fifteen) days of receipt of same and shall within the same period of time be obliged to send a copy of the Complaint (and any supporting documentation supplied to SAIW Certification Secretariat by the Complainant in support of the Complaint) to the person against whom the Complaint was laid ('the Respondent').

7.2.4 The Respondent shall be required, within 20 (twenty) days after receipt of the notice referred to in clause 4.4.1.2 of this Operating Procedure, to furnish a written response to the SAIW Certification Secretariat, setting out his/her version of events and providing supporting documentation in respect of same (if any)

7.2.5 SAIW Certification Secretariat, shall within 15 (fifteen) days of receipt of the Complaint, appoint a panel to consider the Complaint ('the Complaints Panel') consisting of not less than 2 (two) persons selected by the Secretariat, which Complaints Panel shall be appointed within 20 (twenty) days of the referral of the Complaint to the Secretariat.

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7.3 Complaints Panel

7.3.1 No person who has a conflict of interests may sit as a member of the Complaints Panel.

7.3.2 The Complaints Panel shall within 20 (twenty) days of appointment, convene at a time and place it deems convenient, to consider the Complaint

7.3.3 The Complaints Panel shall consider the Complaint based on the information contained in the Complaint itself and the Respondent's written response, if any, (and any supporting documentation in support of same).

7.3.4 The Complaints Panel shall be obliged to furnish SAIW Certification Secretariat, the Complainant and Respondent with written confirmation of its decision and reasons therefore within 15 (fifteen) days of the date of the meeting at which the Complaint was considered.

7.3.5 The Complaints Panel may make a finding either

- a) That the Complaint has no merit, in which case it shall be obliged to dismiss the Complaint, or that the Complaint has merit, or that is of too serious or complex a nature to be decided by the Complaints Panel, in which case, it shall be obliged to recommend to the relevant Scheme Committee that it appoint a panel of no less than 3 (three) persons to conduct an investigation into the Complaint ('The Inquiry Panel' which shall hold a 'Complaint Inquiry')
- b) Any person aggrieved by a decision of the Complaints Panel shall be entitled to, within 20 (twenty) days of receipt of the findings and reasons of the Complaints Panel, send a written request to the SAIW Certification Secretariat that a Complaint Inquiry be held to consider the Complaint, in which event SAIW Certification Secretariat shall forthwith inform the relevant Scheme Committee of such request.
- c) The relevant Scheme Committee shall be obliged to appoint the Inquiry Panel within 20 (twenty) days of receipt of a recommendation from the Complaints Panel or a request from a person aggrieved by a decision of the Complaints Panel.

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- d) In the instance that a period of more than 1(one) year or any other period of time, that is unreasonably long in the circumstances, has elapsed since the discovery of the act or omission that gave rise to the Complaint, the Complaints Panel shall be entitled to find that the Complaint has no merit on the grounds that insufficient evidence is available to substantiate such Complaint due to the effluxion of time.

7.4 Confidentiality


SAIW Certification, the Governing Board, and all employees and subcontractors of SAIW Certification, as well as any member of any panel/ or committee nominated or appointed by SAIW Certification or its Governing Board or any Scheme Committee to which authority has been delegated in terms hereof, shall be required to keep all information pertaining to all Complaints, Appeals and/or Reviews confidential.

7.5 Time Periods

- 7.5.1 To the extent that any obligation is placed on any person or panel or body of SAIW Certification to do anything in terms of this Operating Procedure GOP 04 within a specified time frame, the failure of such person/panel/body to comply with the time periods set out herein (provided such failure is not *mala fide* and/or does not unreasonably prejudice a Complainant/Respondent) shall not entitle such Complainant/Respondent to bring appeal or review proceedings in terms of this Operating Procedure, or to claim otherwise (in any court or dispute resolution procedure) that the failure to comply with such time periods prejudiced such person and that the proceedings are accordingly subject to review/appeal by any other body.
- 7.5.2 Furthermore, to the extent that any Complainant/Respondent fails to do anything required in terms of this Operating Procedure within the time periods specified herein, SAIW Certification shall not be obliged to take any further action in terms of this Operating Procedure until such time as the relevant Complainant/Respondent has complied with their obligations as set out herein.

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7.5.3 In the instance that the actions of the Complainant/Respondent cause an inordinate delay in the finalization of any of the procedures set out above, SAIW Certification shall have the right to notify such Complainant/Respondent that if they have not complied with their obligations herein within 7 (seven) days of receipt of such notice, that the relevant Complaint/Inquiry/Appeal/Review procedure shall be terminated.

Reviewed by	Approved by	Rev No	Date
H Jansen  SAIW Certification Quality Coordinator	H Potgieter  SAIW Certification Chief Executive Officer	00 Replace GOP 04 Rev 07	29 / 04 / 2023