	Directive	PG_04	Pagina 1 di 5
	<b>Customer Appeal , Complaints and Disputes Management</b>	Ref .: standard ISO 17021-1:2015	
		Rev. 4	Dated 20-07-2023

### *Index*


<b>1</b>	<b><i>Scope and purpose</i></b>	<b>2</b>
<b>2</b>	<b><i>Definition</i></b>	<b>2</b>
<b>3</b>	<b><i>Procedure</i></b>	<b>2</b>
<b>3.1</b>	<b><i>Complaint / Appeal investigation procedure</i></b>	<b>3</b>
<b>3.2</b>	<b><i>Closing the Complaint / Appeal</i></b>	<b>4</b>
<b>3.3</b>	<b><i>Disputes procedure</i></b>	<b>4</b>
<b>3.4</b>	<b><i>Confidentiality</i></b>	<b>4</b>
<b>3.5</b>	<b><i>Related Documentation</i></b>	<b>5</b>

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	Directive	PG_04	Pagina 2 di 5
	<b>Customer Appeal , Complaints and Disputes Management</b>	Ref .: standard ISO 17021-1:2015	
		Rev. 4	Dated 20-07-2023

## 1 Scope and purpose

The purpose of this procedure is to define the responsibilities and actions of ESQ Certification Assurance in relation to the investigation of disputes, complaints and appeals. This procedure applies to complaints and appeals from:

- a. Clients of the certification body reporting complaints regarding activities of the certification body
- b. Customers of companies certified by this certification body regarding the certified company and any interested party.

## 2 Definition

**Appeal:** An Appeal is defined as a request by a client of ESQ Cert for further consideration(s) or change in decision(s) of the ESQ Cert on any issue concerning certification”.

**Complaints:** A complaint is defined as “a written complaint received against either ESQ CERTIFICATION ASSURANCE or a ESQ CERTIFICATION ASSURANCE Certified Organization”


**Dispute:** A Complaint or Appeal that cannot be satisfactorily resolved by ESQ CERTIFICATION ASSURANCE through the Investigation Process such that the matter is referred onto an external body.

## 3 Procedure

The ESQ CERTIFICATION ASSURANCE Complaint Appeal and Disputes Procedure is available to ESQ CERTIFICATION ASSURANCE certificate holders, applicants, and third-party individuals or organizations who perceive a stake in the affairs of ESQ CERTIFICATION ASSURANCE and who have reason to question either the actions of ESQ CERTIFICATION ASSURANCE itself or the actions of an ESQ CERTIFICATION ASSURANCE certificate holder in regards to conformance with accreditation or program requirements. The procedure is applicable to any formal decision rendered under an ESQ CERTIFICATION ASSURANCE activities (e.g., award or denial of certification, withdrawal or suspension of certification) where such actions are believed to conflict with the terms and/or conditions of certification, verification or validation.

To have standing under this Procedure, the written complaint/appeal must:

- Identify and provide contact information for the complainant/appellant;
- Clearly identify the aggrieved action or basis of the appeal (date, place, nature of action) and which parties or individuals are associated with the action;
- Explain how the action is alleged to violate or be inconsistent with a requirement, being as specific as possible with respect to the applicable requirements;
- In the case of complaints against the actions of an ESQ CERTIFICATION ASSURANCE client, rather than ESQ CERTIFICATION ASSURANCE itself, the complainant must also describe efforts taken to resolve the matter directly with that party; and

	Directive	PG_04	Pagina 3 di 5
	<b>Customer Appeal , Complaints and Disputes Management</b>	Ref .: standard ISO 17021-1:2015	
		Rev. 4	Dated 20-07-2023

- Propose what actions would, in the opinion of the complainant/appellant, rectify the matter.

Written complaints/appeals should be submitted to:

ESQ CERTIFICATION ASSURANCE  
 Velika pot, 14 – 5250 Solkan, Slovenija  
 Email: [info@esq.si](mailto:info@esq.si)

### 3.1 Complaint / Appeal investigation procedure

Upon receipt of a written complaint or appeal, the ESQ CERTIFICATION ASSURANCE Director will undertake the following actions:


- Open a complaint/appeal file in which all materials and correspondence associated with the complaint/appeal will be maintained.
- Acknowledge receipt of the complaint/appeal **within 5 business days**, informing the complainant/appellant that its complaint/appeal is being reviewed and that it will be kept informed of progress;
- Provide a written response to the complainant/appellant **within 4-weeks of receipt** of the complaint/appeal, informing complainant/appellant as to whether or not the complaint/appeal qualifies for investigation under this procedure, and outlining the investigation process and the recourse available to the complainant/appellant;
- Select an individual to investigate the complaint/appeal who is independent of:
  - the certification evaluation at issue; and
  - the associated certification decision

The assigned investigator will undertake the following tasks:

- Solicit and collect any additional information necessary to investigate the complaint/appeal. The investigation will be based primarily upon written documentary evidence supplied by the complainant/appellant. It is the complainant's /appellant's burden to establish that there has been an action taken in contravention of a requirement. Typically, the investigator will augment the documentary evidence submitted by the complainant/appellant with telephone and email interviews. The investigator, if authorized by the ESQ CERTIFICATION ASSURANCE Director, may elect to conduct a field inspection to augment the documentary evidence.
- Prepare a written report in which the inspector's findings and recommendations are presented (under normal circumstances, the report will be completed **within 120 days of receipt** of the written complaint/appeal).
- Submit the report to the ESQ CERTIFICATION ASSURANCE Director.

The ESQ CERTIFICATION ASSURANCE Director will then:

- Render a decision as to the proposed disposition of the complaint/appeal, including actions such as:
  - Denial of the complaint/appeal;
  - Issuance of non-conformity reports (NCR), corrective action requests (CAR) and/or recommendations aimed at rectifying the situation.

	Directive	PG_04	Pagina 4 di 5
	<b>Customer Appeal , Complaints and Disputes Management</b>	Ref .: standard ISO 17021-1:2015	
		Rev. 4	Dated 20-07-2023

- Inform in writing the complainant/appellant and other relevant parties (e.g., certificate holder, relevant external parties) of the disposition of the complaint/appeal, and where appropriate, provide the report or a summary thereof to all parties along with the final decision.

Final disposition of the complaint/appeal, and written confirmation thereof, will generally take place ***within 30 days of receipt*** of the report.

### 3.2 Closing the Complaint / Appeal

If the complainant/appellant accepts the proposed decision or action, then the decision or action is carried out and recorded.

If the complainant/appellant rejects the proposed decision or action, then the complaint/appeal should remain open. This will be recorded as a dispute and the complainant/appellant will be informed of the procedure for bringing the dispute before a Dispute Panel named by the ESQ CERTIFICATION ASSURANCE Director.

The Director or Quality Manager is responsible for monitoring the progress of open complaints and appeals until all reasonable internal and external options of recourse are exhausted or the complainant/appellant is satisfied.

ESQ CERTIFICATION ASSURANCE shall ensure that decisions on appeals do not result in any discriminatory actions against the claimant/appellant.

### 3.3 Disputes procedure

Should any dispute arise in the course of conducting the assessment visit, the Lead Auditor will try to settle the dispute with the Management Representative of the company. He will consolidate all objective evidences to support his case.


If the situation does not warrant this approach, the Lead Auditor will terminate the assessment and document the background of the case and refer the matter to the Director.

The Director will document the dispute in the SF-04\_01 form and study the case. He will decide on the corrective action to be taken.

Where necessary, he will make an appointment to discuss the matter with the company. If the company agrees, a separate assessment should be scheduled and the Director may appoint a new assessment team to conduct the assessment.

ESQ CERTIFICATION ASSURANCE and the disputant shall agree on mutually acceptable third party arbitrators to resolve any disputes according to the Slovenian applicable law. The decision of the arbitrator will be binding for the both parties

The Quality Manager or Director will record each the dispute in the SF\_04\_02.

	Directive	PG_04	Pagina 5 di 5
	<b>Customer Appeal , Complaints and Disputes Management</b>	Ref .: standard ISO 17021-1:2015	
		Rev. 4	Dated 20-07-2023

The only competent Court for disputes relating to the application or interpretation of these Regulations shall be the Court of Nova Gorica - Slovenija

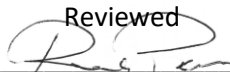
### 3.4 Confidentiality

Personally identifiable information concerning the complainant is available only where needed for the purposes of addressing the complaint within the organization and is actively protected from disclosure except to those Parties directly involved, unless the client or complainant expressly consents to its disclosure.

### 3.5 Related documentation

- RG-02 Management System Certification Regulation
- SF\_04\_01 Complaints / Appeals form request
- SF\_04\_02 Complaints – Appeals list

Reviewed



Ing. Raimondo Romeo  
Quality Manager

Approved



Ing. Raimondo Romeo  
Director of ESQ CERTIFICATION ASSURANCE