



MI-CERT AFRIKA COMPLAINTS AND APPEALS PROCESS

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1.0 Introduction:

MI-Cert Afrika Certification aims to provide high quality services to scheme members and their customers. All complaints and appeals that arise will be dealt with promptly, professionally, and transparently. MI-Cert Afrika Certification will follow the complaints process for any disputes that also require resolution. Certification body shall be responsible for all decisions at all levels of the complainant process. Submissions, Investigations and decisions on complainants shall not result in any discriminatory actions against the complainant.

The approach adopted is to understand the root cause of the complaint and / or appeal, investigate and report on the validity of the claim and further develop our services using an ethos of continuous improvement.

MI-Cert Afrika Certification operates this integrated Complaints and Appeals Policy for all certification schemes (ISO 9001:2015 and ISO 45001:2018).

A matrix is provided in Section 4.0 detailing the lines of escalation for each individual certification schemes to the relevant arbitration party.

They act independently to MI-Cert Afrika Certification to seek resolutions to Complaint and Appeals that cannot be resolved between MI- Cert Afrika Certification and the other party.

Upon request, MI-Cert Afrika Certification will provide the business partners, management, and any other authorised third party appointed with a report of all logged complaints and appeals upon request. This information will be used to help in the production of bulletins to scheme members and the policies and procedures operated by MI-Cert Afrika Certification, as well as providing a transparent account of our complaints and appeals handling.

1.1 Record Keeping / Amendments to Quality Management System

All records of complaints and appeals will be maintained for a minimum of 7 years by MI-Cert Afrika Certification.

The outcome of these complaints and appeals will be made available to the relevant authorised bodies. All actions taken as a consequence of a complaint or appeal will be documented and the subsequent effectiveness of such actions will be monitored.

1.2 Amendments to Policy Documentation

MI-Cert Afrika Certification reserves the right to amend all policy documentation pertaining to the quality system, in particular this Complaints and Appeals Policy.

All amendments will be issued to scheme members with the appropriate implementation date clearly stated.

1.3 Statutory Rights

All complaints or disputes received in respect of the assessment activity of certified members will not affect the statutory rights of the Client at any stage of the process.

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It is the responsibility of the certified member to ensure that this is explained to the Client when a complaint or dispute is received. MI Cert Afrika Certification would typically expect to see a statement to this effect in a complaint response issued to a 'Client'.

1.4 Non-Resolved Complaints

All complaints or appeals received by MI-Cert Afrika Certification will be fully investigated and resolved internally. Those complaints or appeals that are not resolved to the mutual satisfaction of all parties involved will be escalated to the relevant arbitration party as detailed in Section 4.0.

2.0 Complaints

The complaints handling process will include at least the following elements and methods:

- a) An outline of the process for receiving, validating, investigating the complaint, and for deciding what actions are to be taken in response to it.
- b) Tracking and recording complaints, including actions undertaken in response to them.
- c) Ensuring that any appropriate correction and corrective action are taken.

MI Cert Afrika Certification on receiving the complaint will be responsible for gathering and verifying all necessary information to validate the complaint. MI Cert Afrika Certification will determine, together with the Organisation and the complainant, whether and, if so to what extent, the subject of the complaint and its resolution will be made public.

Complaints can be reported by telephone, email, via the MI-Cert Afrika Certification management in writing by providing the following information:

1. Complainant name.
2. Address of complainant.
3. Contact details (telephone and email).
4. Availability for feedback (preferred time to discuss feedback / research the complaint further etc.).
5. Nature of the complaint.

For complaints concerning MI-Cert Afrika Certification scheme members, the following additional information will be required:

1. The MI-Cert Afrika Certification membership number (if known) and / or name of the member who carried out the works.
2. The assessment / and report number details if available.
3. The date of assessment / complaint was undertaken.

Complaints should be reported either by:

1. Telephone: 066 080 1115 or 062 301 1239
2. Email: lucian@micertafrika.co.za or info@micertafrika.co.za
3. Via the online form on MI Cert Afrika Certification's profile page.
4. In writing to Certification Manager: PO BOX 11969, Queenswood, Pretoria, 0121.

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2.1 Complainants

MI-Cert Afrika Certification will process any complaint received in accordance with the 3 categories as detailed in Section 2.2. MI-Cert Afrika Certification will not limit who can and cannot make a complaint and have provided a list below:

- Client.
- Client's agent (estate agent or solicitor).
- Employer of the scheme member.
- MI-Cert Afrika Certification scheme member.
- Compliance officer (trading standards or building control).
- Member of public.
- Candidate undertaking a MI Cert Afrika Certification training course.
- Training awarding Body.
- Certification Body.
- Local Authority.
- Any other stakeholder.

The above list is not exhaustive, and MI-Cert Afrika Certification will deal with any other complainant in exactly the same manner. For any complaint received, there is no charge to the complainant and any resolution costs will be paid for by MI-Cert Afrika Certification.

Upon receipt of a complaint, MI-Cert Afrika Certification will confirm whether the complaint relates to certification activities that it is responsible for and deal with it accordingly. If the complaint relates to a certified Organisation, then examination of the complaint will consider the effectiveness of the certified management system where applicable.

Any complaint about a certified Organisation will also be referred by the MI-Cert Afrika Certification to the certified.

2.2 Categories of Complaints

MI-Cert Afrika Certification operates this Complaints and Appeals Policy to ensure any complaint received will be addressed correctly and follows a clear process.

Complaints are classified into the following three categories:

- Complaints against Scheme Members.
- Complaints against MI Cert Afrika Certification.
- General Complaints.

Each category is further explained below.

2.2.1 Complaints against Scheme Members

MI-Cert Afrika Certification will process all complaints received concerning the actions of scheme members and can be further categorised as:

- Behaviour of the scheme member.
- Behaviour of the scheme member's company / organisation.

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- Timescales and/ or the output produced by the scheme member.
- Non-compliance with relevant regulations.

Clients of scheme members have the opportunity to raise a complaint directly to MI-Cert Afrika Certification after (or before) the complaint has initially been raised to the scheme member or organisation that they represent, unless the nature of the complaint means that this method is inappropriate.

In accordance with the specific certification schemes Code of Conduct, scheme members are required to provide all of their customers with a copy of their own complaints process, along with the MI-Cert Afrika Certification Complaints and Appeals Policy.

2.2.2 Complaints against MI Cert Afrika Certification

MI-Cert Afrika Certification will process all complaints against MI-Cert Afrika Certification, which can be categorised as but not limited to:

- Behaviour of a member of staff (employed or contracted).
- Training course and associated services.
- Assessment and Certification.
- Timescales and/ or the output produced as a result of an assessment/ audit.

General Complaints

MI-Cert Afrika Certification will process any other general complaints received, examples of this could be:

- General Complaint.
- Enquiry.
- Improvement Request.

All general complaints will be addressed in line with the processes as detailed within this document.

2.3 Dealing with the Complaint or Dispute

MI Cert Afrika Certification aims to respond to a complaint or dispute within 3 working days of receipt. The initial response will consist of a preliminary assessment or a 7-day holding period to allow additional time to review the reason for the complaint or dispute. A formal resolution will be undertaken and reported back to all relevant parties at a later date, dependent on the severity of the complaint.

If the complaint or dispute cannot be resolved within the initial response, MI-Cert Afrika Certification will provide the complainant with an estimate of the length of time required to resolve the complaint or dispute.

The protocol for resolving complaints is as follows:

1. All complaints will be logged by the MI-Cert Afrika Certification Customer Services and Certification Manager. This will include notes take during a verbal complaint notification or from a submitted written complaint (email, online form or post).
2. The MI-Cert Afrika Certification Customer Services will then allocate the complaint to the certification manager for the investigation to be completed.

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3. The complainant will receive an initial acknowledgement response within 3 working days of the complaint being received, with a further period of 15 working days confirmed before further feedback will be issued.
4. If the nature of the complaint is such that the departmental manager cannot resolve the complaint to the satisfaction of the complainant within the 15 working days period, a further update will be issued to the complainant.
5. If the complaint investigation cannot be resolved to the complainant's satisfaction, then it can be referred to the Technical Director or appropriate deputy for review.
6. A written response will be issued within 21 working days, once a further review has been undertaken.
7. If the complaint still cannot be resolved, it will be referred to the appropriate body overseeing the complaints process as outlined in Section 4.3.

2.4 Complaints or Disputes against Scheme Members

All complaints received in respect of the activity of a scheme member will be reviewed by the certification manager using the following process:

1. After receipt of the complaint, the scheme member shall be permitted an opportunity to contest the complaint. The scheme member will be expected to submit a response and any supporting documents, relating to the nature of the complaint, within 15 days of the request being sent by MI-Cert Afrika Certification.
2. A full review of the scheme member's response and supporting information will be undertaken by the certification manager. This may include conducting a desktop or site visit in order to resolve the nature of the complaint.
3. If the complaint is upheld, the scheme member shall receive written confirmation of the nature and extent of the complaint. Where applicable, all lodged reports that are directly affected shall be withdrawn/ suspended and amended.
4. The member shall also receive written confirmation of the corrective action they will be required to undertake such as, CPD, re-training or highlighted auditing.
5. For more severe complaints that require resolution including amendments to the scheme member's working procedures, they will be informed of the deviation from the acceptable quality standards and procedures, and they shall be issued with a mandatory improvement action list.

Their scheme membership may be suspended until such time that they have completed the required improvements to their own Quality Management System and provide demonstrable evidence of such improvements to MI-Cert Afrika Certification. Future assessment activity will be monitored to measure the effectiveness of the improvement activity.

All cases of suspension may escalate to expulsion, in the event of either:

- The corrective action not being suitably implemented.
 - Numerous complaints received against a scheme member that is upheld.
 - The scheme member being found guilty of intentionally misrepresenting the scheme rules or MI Cert Afrika Certification generally.
6. For extremely severe complaints that represent a significant deviation from the acceptable quality standards of operation, expulsion of the scheme member may be required in combination with corrective action to the offending assessment activity. All cases of expulsion will be reported to all other certification schemes.

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2.5 Complaints where Criminal Activity is Involved

If a complaint involves apparent criminal activity, the incident will immediately escalate to the Director and, without hesitation, be reported to the appropriate authority, for example the Police or Trading Standards.

2.6 Member Complaint Requests

MI-Cert Afrika Certification may decide to contact the clients of scheme members to assist with the resolution process. Clients of scheme members will be asked to submit feedback on the following:

- Pre-visit contact and information.
- Onsite behaviour.
- Technology/ Measure Information.
- Post-visit information and certificate production.

2.7 Notifications – Scheme Members Only

MI-Cert Afrika Certification requires all scheme members registering a complaint to forward a copy of this complaint to the certification manager. The certification body will then be responsible with the complaint. For example, if a complaint is about a particular output then the certification body through which the certificate was lodged will be responsible for dealing with it.

3.0 Fraudulent Conduct

MI-Cert Afrika Certification shall take very seriously any allegations of fraudulent conduct or activity and will act swiftly and decisively to limit the damage that may be done by such activities to protect the integrity and reputation of the certification scheme.

This process is designed to define procedures for investigating claims of fraudulent conduct and protect the reliability of both the certification process and the status of MI-Cert Afrika Certification as a certification body. It will complement and enhance the complaints procedure detailed above but will diverge as necessary to ensure a swift conclusion to the alleged fraudulent conduct.

3.1 Documentation Fraud

Fraudulent activity may include, but is not limited to, the following:

- Fraudulent claims.
- Deliberate misrepresentation.
- Forgery.

Where fraudulent activity is reported or suspected, the individual / Organisation named in the allegation must produce appropriate evidence within a period of 2 working days from the initial request being made. If no or insufficient evidence is submitted in response to the allegation made against the individual or Organisation, MI-Cert Afrika Certification shall impose a suspension on any Organisation already certified pending investigation of the allegation (including examination of further evidence) for a maximum of 1 week.

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For individuals / Organisations that are in the process of applying for scheme membership, the application will be put on hold pending investigation of the allegation. Suspension of the application process will be initiated upon receipt of the allegation and will continue for a maximum of 7 days after the information or evidence sent in response to the allegation has been received. This will be referred to as 'the 7 day investigation period'.

In circumstances where the legitimacy of a signature is in question, MI Cert Afrika Certification shall request further evidence of the of the same signature on formal identification documents such as driving license and credit/debit cards. In addition to this MI-Cert Afrika Certification may also request to see every certification related document held by the applicant or certified company in question which contains the disputed signature.

As a certification body MI Cert Afrika Certification will fulfil its duty of care to take all reasonable measures to ensure that fraudulent activity (including the forging of signatures on submitted documentation) is investigated as fully as possible and to the satisfaction of the MI-Cert Afrika Certification Scheme Management and where necessary the Certification Manager. It must be noted however that MI-Cert Afrika Certification will use its sole discretion to determine the validity of a signature and will determine if the signature in question 'on sight appears to be reasonably similar as might be expected from a legitimate signature'.

Where there is any doubt or question over the outcome over the investigation of the alleged fraudulent conduct / forged signature, the case will be escalated to the MI Cert Afrika Certification Manager for adjudication and final decision making to determine an outcome within the stipulated 7 day investigation period.

Should it be deemed that any allegation of fraud is upheld, and fraudulent activity is considered to have occurred, the individual/Organisation in question will be informed of MI-Cert Afrika Certification's decision on the matter and will either:

- Be permanently suspended and a notification of this sent to all other certification bodies, or,
- Will be informed of the immediate termination of the application process at whatever stage the application has reached and a note be added to the internal customer records system detailing the facts of the investigation and outcome.

If, during the course of the investigation, the Certification Manager has any doubt over the final judgement on whether fraudulent activity or conduct has occurred, certification manager may convene a special meeting of the Impartiality Committee to review the details and evidence and undertake the final decision making process on his behalf. This process may also be undertaken if the Certification Manager feels there is a conflict of interest that arises in his role as final Decision Maker and this responsibility will be deferred to the Impartiality Committee.

Similarly, the individual / Organisation who has been suspended on the grounds of fraudulent activity / conduct may wish to undertake the MI Cert Afrika Certification Complaints and Appeals process (as detailed in the Members Pack) in order to have

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this decision and the facts of the case reviewed by the independent Impartiality Committee.

4.0 Appeals

MI-Cert Afrika Certifications appeals handling process will include at least the following elements and methods:

- a) An outline of the process for receiving, validating and investigating the appeal, and for deciding what actions are to be taken in response to it, taking into account the results of previous similar appeals.
- b) Tracking and recording appeals, including actions undertaken to resolve them.
- c) Ensuring that any appropriate preventative and corrective action are taken.

The submission, investigation and decision on an appeal undertaken by MI-Cert Afrika Certification will not result in any discriminatory actions against the appellant. A transparent process will be undertaken to ensure a compliant and correct decision is made.

The appeal will be reviewed by the Director as long as they were not the person responsible for sending the previous response to the Complainant or being involved in the reason for the appeal being lodged. If this is the case the matter must be referred to the Certification Manager or Director. They will then arbitrate between the Appellant and MI-Cert Afrika Certification and will provide a fair and unbiased adjudication on the appeal.

An overview of the appeals process is as follows:

1. The appeal should be made in writing and shall set out the grounds of the appeal, including all relevant documentation.
2. An appeal interview may be arranged at the discretion of MI-Cert Afrika Certification, prior to undertaking the full appeal review.
3. Subject to a request to either submit more information, or attend an appeals interview, the MI-Cert Afrika Certification will respond with the outcome of the appeal within 4 weeks of receipt of the notice of appeal.

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4.1 Appeal Received

Ideally, the appeal should be made in writing and shall set out the grounds of the appeal including all relevant documentation. A record of all appeals will be held on the internal complaints and appeals database and all appeal outcomes will be held centrally for further reference.

A confirmation email will be issued to confirm receipt and confirm the appeal will be discussed and notification issued which won't be more than 30 days from the date of receipt of the appeal.

4.2 Appeal Assessment Referral

An appeal assessment can be referred to the appropriate body as detailed in Section 5.3. The bodies are compiled of independent industry stakeholders who will be informed of any complaints and appeals registered with MI-Cert Afrika Certification and if necessary, an appeal may be escalated to a specially convened meeting of the assessment. If the body does not believe sufficient information has been provided for an informed decision to be made, they can ask for the appeal to be deferred to a later date. The body will decide on the best course of action to take and this will be put to the vote. A full written record will be maintained by a member of the appropriate body and this will be retained with the appeal records.

4.3 Appeal Decision Notification

A response will be issued no more than 7 working days after the appropriate bodies meeting has been concluded, this will usually be in the form of an email unless previously agreed otherwise a record of the decision made will be recorded and full copies of all documents will be retained in the file along with the decision email.

If the Appellant is unhappy with the result of the appeals process then there may be grounds for the matter to be escalated as per the process detailed below.

5.0 Escalation Process

MI-Cert Afrika Certification has written this escalation process to provide clarification concerning the process for dealing with but not limited to the following:

- Rejection of an application for training, or certification and appeal process.
- Suspension of certification / revocation of an existing membership.
- Disciplinary process and procedures.
- Unresolved Complaint and / or Appeal.

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5.1 Rejection of an Application for Certification

Applications for membership to MI-Cert Afrika Certification scheme(s) will be subjected to the distinct criteria as detailed in individual scheme documents. If the criteria are not met for the individual scheme, the application will be rejected. The Certification Manager may investigate borderline applicants at his / hers discretion, resulting in a potential secondary application after retraining.

All rejected applicants will have an opportunity to lodge an appeal within 4 weeks of the original rejection notification.

All appeals will be received and vetted by the MI Cert Afrika Certification 'Appeals Panel' or 'Impartiality Committee.

5.2 Escalation

The matrix provided below details the lines of escalation to the relevant arbitration party who act independently to MI Cert Afrika Certification who provide resolutions to appeals, complaints and disputes that cannot be resolved between MI-Cert Afrika Certification and the 'Complainant' (definitions provided in the 'Complaints and Appeals Policy'). The routes identified in the matrix below conform to the requirements as stipulated in the 'Regulatory Documentation'.

Key:

- Denotes the primary escalation route for individual scheme requirements.
- Denotes further escalation should the primary route not provide resolution.

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