

# **Product Authentication International**

## **Procedure for Appeals OP.16 Rev: 09**

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## **1.0 OBJECTIVE**

This procedure prescribes the process for the handling and resolution of all appeals against decisions made by PAI or its authorised personnel.

## **2.0 SCOPE**

This procedure applies to all Suppliers that have lodged an appeal against a decision of PAI.

## **3.0 REFERENCED DOCUMENTS**

### **3.1 Forms**

SF.020 Scheme Regulations

## **4.0 RESPONSIBILITIES**

### **4.1 Chairman of the Certification Board**

Monitors the handling of the appeal

### **4.2 Chairman of the Appeals Panel**

Chairs the Appeal hearing.

### **4.3 Director/ Scheme Manager / Nominated PAI Representative**

Attends and minutes the Appeals Panel meeting.  
Monitors/expedites completion of actions arising from the meeting

### **4.4 Appeals Panel Member**

Reviews data for the Panel Meeting, attends the meeting and votes on the decision.

## **5.0 METHOD**

### **5.1 Receipt of Appeals**

On receipt, the appeal is reviewed by PAI Management. This initial review will consider the merits of the appeal and consider whether PAI have, in fact arrived at the decision in error. The review will normally be conducted by a Director/Scheme Manager but if the Director/Scheme Manager was involved in the decision subject to the appeal, then a different person will carry out the review. PAI will provide the appellant with the written findings of this review and explain the justification for the decision, normally within 14 days. If this review fails to resolve the issue then the supplier will be asked to confirm that they wish to progress the appeal and have it heard by the Appeals Panel. Appeals must be made in writing. A fee of £1,000 must be paid in advance to PAI and will be repaid to the Appellant if the appeal is successful.

Once confirmed, the appeal is recorded with the following information:

- Appeal number
- Appellant
- Date received;
- Nature of the Appeal

The Director/Scheme Manager or the nominated PAI representative liaises with the Chairman of the Certification Board to review the Appellants documentation to ensure

that the grounds of the Appeal are clearly stated and understood.

The Chairman of the Certification Board may need to liaise with the Appellant to clarify the grounds and reason for the Appeal. When the reason and grounds are clear then a Director/Scheme Manager investigates the subject of the appeal to ascertain if the decision was arrived at in error. (If the people mentioned above were involved in the decision subject to appeal then an independent member of the Certification Board will investigate the subject of the appeal).

When the Chairman of the Certification Board is satisfied that the decision was not arrived at in error he appoints the Appeals Panel (on behalf of the Certification Board) in the manner described by the Company Manual. For appeals against an Assessor's decision to issue an Action Point, the Appeals Panel will co-opt a PAI Technical Specialist onto the Panel.

The Appeals Panel shall consist of at least 3 people, 2 of which must be Certification Board Members and one of whom will be appointed as chairman.

The Chairman of the Appeals Panel must ensure that an Appeals hearing takes place within 30 clear days of being informed by the supplier that they do not accept the findings of the initial review. The appellant is given at least seven days notice of the time and place of the hearing.

The Appellant must be formally notified of the arrangements.

The Chairman of the Certification Board will forward copies of the correspondence and Appeal record to the Chairman of the Appeals Panel for completion.

The Appellant may withdraw the Appeal at any time prior to or during the Appeal Hearing up to the point when the Panel retire to make their ruling. In the event that an Appellant withdraws an appeal, the appeal may not be reinstated if it is based on the same grounds.

A Director/Scheme Manager shall act as the Appeals Panel Secretary unless he has been involved in the subject of appeal. In such case the Chairman of the Appeals Panel shall appoint another person to act as secretary.

## **5.2 Conduct of Appeals Panel**

The Chairman of the Appeals Panel shall open the meeting, introduce the attendees and invite the Appellant to state the grounds and nature of the appeal presenting any supporting documentation. On conclusion of the Appellants statement the PAI representative shall state the reason for the original certification decision which is the subject to the appeal.

The Chairman of the Appeals Panel shall invite the appellant to make any further comments and at the conclusion invites the PAI representative similarly to do so.

All comments are directed via the Chairman.

If during the Appeal Hearing, documentation is presented which the Panel has not previously had the opportunity to review then the Chairman may recess the meeting to consider the documents.

The documentation available is examined, all statements evaluated, and the Panel retire to decide on the outcome of the appeal.

Decisions are made based on the PAI Company Manual, Operating Procedures, Scheme Regulations, the Scheme Description and section 5.3 below.

- Any decision made by the PAI Appeals Panel must be arrived at in accordance with the PAI Procedures or Regulations or Work Instructions or Policy Points etc current at the time of the Appeal and pertinent to the subject of the decision /appeals.
- The Appeals Panel ruling should be on a majority voting basis. In the case of a tie the Chairman has the casting vote.
- The Appeals Panel shall not advise the Appellant of the outcome of the Hearing. The Appeals Panel shall advise the Chairman of the Certification Board of their ruling as near as possible to the conclusion of the Hearing, and no later than 24 hours after the end of the hearing.
- The Appeal Panel's Chairman shall advise the Appellant at the time of the Appeal that they will receive the Appeal Panel ruling via the Chairman of the Certification Board within seven working days.
- The Appeals Panel may recommend that having heard an appeal, a PAI Procedure, Regulation, Work Instruction or Policy Point requires amendment in light of the appeal.

The decision of the Appeals Panel as declared by its Chairman shall be final.

The Panel's decision on the matter is recorded in the meeting minutes and the Appeal Record is completed and passed to the Chairman of the Certification Board. The Chairman of the Certification Board updates the Appeals Register, completes the final section of the Appeals Record and informs the appellant (in writing) of the Appeals Panel's decision.

### **5.3 Guidance for hearing Appeals**

It is not possible to prescribe all the circumstances under which an appeal may be heard but the following elements must be considered by the panel before reaching their ruling.

- i) To hear an appeal the PAI Appeals Panel must initially consider the validity of the appeal.
- ii) Was the person who made the appeal authorised to do so on behalf of the Supplier. If the appellant is not a duly authorised representative of the Supplier then the appeal may be rejected.
- iii) Was the decision by PAI or its authorised persons made in accordance with the Scheme's documented Quality System and Regulations current at the time the decision was made? If the decision was not made in accordance with the PAI Quality System and Regulations then the appeal shall be upheld e.g.
  - If an unauthorised person made the decision
  - If a decision was based on personal opinion and not on a documented set of criteria or specifications within the PAI Certification Scheme
  - If a decision was arrived at in error

### **5.0 RECORDS**

Appeals Record  
Correspondence  
Appeals Panel Minutes