



# **ILAC Procedure for Handling Complaints**

**ILAC R5:04/2016**

## **ILAC – International Laboratory Accreditation Cooperation**

ILAC is the international authority on laboratory and inspection body accreditation, with a membership consisting of accreditation bodies and stakeholder organisations throughout the world.

ILAC provides the infrastructure that supports the world-wide demonstration of competence and equivalence of testing (including medical) and calibration laboratories, inspection bodies and other types of bodies serving or supporting laboratories and inspection bodies through accreditation. Accreditation of laboratories and inspection bodies supports activities within and between economies including trade, protection of health, safety and the environment for the public benefit. Its fundamental purpose is to provide confidence in the competence of bodies supporting these activities.

The ILAC Arrangement is an international, multilateral mutual recognition arrangement for accreditation bodies. Participating accreditation bodies agree to promote acceptance of the equivalence of calibration, test and inspection reports produced by accredited facilities. Each accreditation body undergoes peer evaluation according to ILAC rules and procedures prior to becoming a signatory to the ILAC Arrangement.

ILAC values the critical complementary and supportive activities of its Regional Cooperation Body members in the realisation of its vision, mission, goals and associated strategies. The Regional Cooperation Body members through the implementation of their multilateral mutual recognition arrangements provide all of the peer evaluation resources and much of the technical inputs to ILAC documents.

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## 1. AUTHORSHIP

This document was developed by the ILAC Secretariat and approved by the ILAC Executive Committee in February 2005. This document was reviewed by the ILAC Secretariat and Executive Committee in 2006 and endorsed by the ILAC membership for publication as the *ILAC Procedure for Handling Complaints* in July 2007. This document underwent extensive revision by the ILAC Secretariat and the ILAC Executive Committee in 2014/2015. It was then published after being endorsed by the ILAC membership in April 2016.

## 2. PURPOSE

This procedure outlines the ILAC process for addressing written complaints and the roles and responsibilities of the ILAC Secretary<sup>1</sup>, the ILAC Chair<sup>2</sup> and the ILAC Executive Committee.

Maintaining the confidentiality, efficacy and integrity of ILAC processes are significant objectives when dealing with complaints. The ILAC Secretary ensures that all ILAC members and related parties are supported by a fair and effective complaint handling process. The confidentiality, independence and impartiality of all those involved in the complaint is maintained at all times.

ILAC considers all complaints as a possible opportunity to improve its processes and services as well as implement corrective and preventive actions. ILAC is committed to monitoring and achieving continual improvement in all areas of its activities.

*1. References to the ILAC Secretary throughout this procedure are to be read as “the ILAC Secretary or an ILAC Secretariat staff member designated to act on behalf of the ILAC Secretary”.*

*2. References to the ILAC Chair throughout this procedure are to be read as “the ILAC Chair or an impartial member of the ILAC Executive Committee designated to act on behalf of the ILAC Chair where the ILAC Chair is either not impartial or not available”.*

## 3. SCOPE

The types of complaints covered by this procedure include complaints against the activities, policies and/or procedures of ILAC and ILAC members.

This document does not cover appeals against adverse decisions on signatory status to the ILAC Mutual Recognition Arrangement (MRA) or appeals of adverse decisions regarding ILAC membership. This information can be found in *ILAC-P4 ILAC Mutual Recognition Arrangement (Arrangement) Policy Statement* and *ILAC-R2 ILAC Rules* respectively. These documents are available from the ILAC Website.

## 4. DEFINITIONS

**Complaint:** A formal expression of dissatisfaction submitted to the ILAC Secretary in writing, regarding ILAC’s activities, policies and/or procedures, its service to clients, its members or its members’ services to clients.

**Complainant:** A person or organisation that submits a complaint.

**Reconsideration of the Outcome of a Complaint Investigation:** Review process undertaken when the complainant or other party affected by the outcome of the investigation, provides evidence that due process has not been followed or new information pertinent to the outcome of the complaint.

Complaint Working Group (CWG): A group with a minimum of two (2) impartial members of the ILAC Executive Committee appointed by the ILAC Chair and additional experts as required when technical issues are involved, to investigate a specific complaint, or a series of complaints, submitted to the ILAC Secretary. The team leader of this CWG will be a member of the ILAC Executive Committee. The CWG recommends a course of action to the ILAC Executive Committee for resolving the complaint and is then disbanded.

## 5. GENERAL

- 5.1** An ILAC member, or any other party who is dissatisfied with any activities, policies and/or procedures involving ILAC, may submit a complaint to ILAC by formally notifying the ILAC Secretary in writing.
- 5.2** An ILAC member, or any other party who is dissatisfied with any activities, policies and/or procedures involving ILAC members, has the right to submit a complaint to ILAC by formally notifying the ILAC Secretary in writing.
- 5.3** A complaint against an ILAC member will only be addressed by the ILAC Secretary if the complainant is not satisfied that the body investigating the complaint followed their complaints handling procedure. In these cases the investigation undertaken by ILAC will focus on the complaint investigation process undertaken by the ILAC member.
- 5.3.1** Complaints are to be raised initially by the complainant directly with the organisation that the complaint is against, e.g. the accredited conformity assessment body (CAB), accreditation body (AB) or regional cooperation body (RCB). If, in the example of a complaint involving the services offered by an accredited CAB, a resolution cannot be reached with the CAB, then a complaint may be submitted to the AB and then if necessary to the RCB.
- 5.3.2** If the complainant has addressed the complaint with these bodies, as per Section 6 of this procedure, and is not satisfied that the investigating bodies' complaints handling procedures were followed then the complainant may submit a complaint to the ILAC Secretary, as per Section 7 of this procedure, giving details of the complaint and the processes followed by the complainant prior to contacting ILAC.
- 5.4** The investigation of any complaint by ILAC should normally be completed within 3-6 months of receipt of the complaint.

## 6. CATEGORIES OF COMPLAINTS

- 6.1** Complaints against ILAC's activities:
- (a) Complaints against the activities, policies, and/or procedures of ILAC are sent directly to the ILAC Secretary, who then follows the procedure in accordance with Section 7 of this document.
- 6.2** Complaints against an ILAC member RCB:
- (a) Complaints against the activities, policies, and/or procedures of an ILAC member RCB must be raised directly with the RCB by following the RCB's complaints procedure.

- (b) If the complainant is not satisfied that the RCB's complaints handling procedure was followed then the complainant may submit a complaint to the ILAC Secretary by following the ILAC procedure in accordance with Section 7 of this document.

### 6.3 Complaints against an ILAC member AB:

- (a) Complaints against the activities, policies, and/or procedures of an ILAC member AB must be raised directly with the AB by following the AB's complaints procedure.
- (b) If the AB is a member of one or more RCBs and the complainant is not satisfied that the AB's complaints handling procedure was followed and would like to pursue the matter further, then the complainant must submit a complaint to the relevant RCB(s) by following the RCB's complaints procedure.
- (c) If the complainant is not satisfied that the RCB's complaints handling procedure was followed, then the complainant may submit a complaint to the ILAC Secretary by following the ILAC procedure in accordance with Section 7 of this document.
- (d) If the AB is not a member of a RCB and the complainant is not satisfied that the AB's complaints handling procedure was followed, then the complainant may submit a complaint to the ILAC Secretary by following the ILAC procedure in accordance with Section 7 of this document.

### 6.4 Complaints against a CAB accredited by an ILAC member AB:

- (a) Complaints against the activities, policies, and/or procedures of a CAB accredited by an ILAC member AB must be raised directly with the CAB by following the CAB's complaints procedure.
- (b) If the complainant is not satisfied that the CAB's complaints handling procedure was followed and would like to pursue the matter further then the complainant must submit the complaint to the relevant AB by following the AB's complaints procedure.
- (c) If the complainant is not satisfied that the AB's complaints handling procedure was followed and would like to pursue the matter further, then the complainant has the option to submit a complaint as outlined in Section 6.3 (b), (c) and (d).

## 7. COMPLAINTS PROCEDURE

- (a) All complaints must be submitted in writing to the ILAC Secretary before formal investigations can proceed. Complaints are to be emailed to [ilac@nata.com.au](mailto:ilac@nata.com.au) wherever possible. However, if necessary as a result of the format of the information being provided, complaints can also be posted to:

ILAC Secretariat  
PO Box 7507  
Silverwater, NSW 2128  
AUSTRALIA

- (b) The ILAC Secretary aims to acknowledge receipt of a complaint within 5 business days of receiving the complaint. ILAC also aims to advise complainants of the next steps in the complaints process within 30 business days of receiving a complaint.

- (c) Once the complaint is received by the ILAC Secretary, the details of the complaint are recorded in the *ILAC Complaints Register*. The date of the complaint is documented, and the complaint is assigned a unique number.

*The unique number assigned to a complaint is a sequence of three numbers: the month and year the complaint was received by the ILAC Secretary, followed by the complaints running number. For example, a complaint made in January 2015 that is also the 26<sup>th</sup> complaint on the Complaints Register would be designated the unique number: 01-2015-26.*

- (d) The ILAC Secretary will then review the complaint and confirm the category of the complaint as per Section 6 of this procedure.
- i. If the complaint falls under Section 6.1 of this procedure, or if the complainant has appropriately followed and exhausted the processes outlined in Sections 6.2-6.4, then the ILAC Secretary will review the complaint. Further information and evidence may be requested from the complainant prior to proceeding with investigating the complaint.
  - ii. If the complaint falls under Sections 6.2-6.4 of this procedure, the ILAC Secretary will confirm with the complainant that they have lodged a formal complaint with the relevant body and that the complaint has been fully investigated in accordance with the relevant body's procedure prior to contacting the ILAC Secretary.
  - iii. If the processes outlined in Section 6.2-6.4 have not been followed, then the ILAC Secretary will advise the complainant to follow the procedure as detailed in the relevant section of this document. The ILAC Secretary will then close the entry in the *ILAC Complaints Register* with a brief explanation noted and no further action by the ILAC Secretary is required.
- (e) For complaints referred to in Section 7 (d) i., the ILAC Secretary will obtain the complainant's written permission to approach the parties associated with the complaint as part of the investigation.
- (f) The *ILAC Complaints Proforma* template in Annex 1 of this procedure is used for each complaint investigated by ILAC to record the details of the complaint throughout the complaints process.
- (g) For complaints related to administrative matters:
- i. The ILAC Secretary after discussion with the ILAC Chair may respond to the party concerned on behalf of ILAC. The *ILAC Complaints Proforma* will be made available to the ILAC Executive Committee.
  - ii. For matters where the ILAC Secretary is not impartial, the ILAC Chair after discussion with the ILAC Vice-Chair or an impartial member of the ILAC Executive Committee may respond to the party concerned on behalf of ILAC. The *ILAC Complaints Proforma* will be made available to the ILAC Executive Committee.
- (h) For complaints not related to administrative matters, the ILAC Secretary forwards the *ILAC Complaints Proforma* to the ILAC Chair for review.

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- (i) The ILAC Secretary and ILAC Chair will determine whether the complaint is able to be addressed by the ILAC Secretary (e.g. procedural concerns) or whether a Complaints Working Group (CWG) should be established to investigate the complaint.
  - (j) If a CWG is to be established, the ILAC Chair appoints a minimum of two impartial members of the ILAC Executive Committee and, where deemed appropriate, external experts to investigate the complaint. The team leader of this CWG must be an ILAC Executive Committee member.
    - i. The appointed members of the CWG are responsible for reviewing the *ILAC Complaints Proforma* and all the information pertaining to the complaint. The CWG ensures that any additional information is sought from relevant sources on behalf of ILAC.
    - ii. The ILAC Secretary is responsible for tracking the progress of the CWG's review of the complaint and communicating with the CWG team leader at regular intervals. Any difficulties experienced by the CWG, which may be causing delays to the complaints handling process, shall be identified and where possible addressed, during these communications.
  - (k) If the complainant does not respond to requests from the ILAC Secretary and/or the CWG for further information and/or evidence in regard to the complaint, at any time during the process for a period of 2 months, then the complaint is deemed to be closed. If contact is re-established by the complainant after 2 months, a new complaint is opened.
  - (l) Upon completion of the complaint investigations:
    - i. If the complaint is addressed by the ILAC Secretary, the ILAC Secretary is responsible for reporting to the Executive Committee within 30 business days of completing the complaint investigations. The ILAC Secretary provides the Executive Committee with the completed *ILAC Complaints Proforma* and a brief report on the findings of the investigation including any recommendations and corrective actions implemented as required for the resolution of the complaint.
    - ii. If the complaint is addressed by a CWG, the team leader of the CWG is responsible for reporting to the Executive Committee within 30 business days of completing the complaint investigations. The team leader provides the Executive Committee with the completed *ILAC Complaints Proforma* and a brief report on the findings of the investigation including any recommendations and corrective actions required for the resolution of the complaint. The Executive Committee considers the report from the CWG and decides on the necessary actions for resolving the complaint.
  - (m) All parties involved in the complaint are promptly advised in writing of the outcome of the investigation of the complaint. For complaints addressed under Section 7 (l) i., the written notification will be signed by the ILAC Secretary, while for complaints addressed under Section 7 (l) ii., the written notification will be signed by the ILAC Chair. When advising all parties of the decision, confidentiality of the information of each of the parties involved shall be protected, unless ILAC has received written permission to release such information to the other parties involved.

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## 8. COMPLAINT RECORDS AND REPORTS

- 8.1** The ILAC Secretary maintains all records relating to complaints on the Secretariat network for a minimum of 5 years.
- 8.2** All complaints received by the ILAC Secretary, regardless of the complaint category, are recorded in the *ILAC Complaints Register*.
- 8.3** The details of each complaint investigated by ILAC are recorded using the *ILAC Complaints Proforma* and include:
- Details of the complaint;
  - Members of the CWG (if required);
  - Investigation documents and report;
  - Decision by Executive Committee;
  - Details of actions taken;
  - The ILAC response provided to the complainant;
  - Date of resolution and any other comments, as required.
- 8.4** The *ILAC Complaints Proforma* and the *ILAC Complaints Register* are updated throughout the complaint process.
- 8.5** At each ILAC Executive Committee meeting, the ILAC Secretary shall provide a summary of all complaints closed since the previous meeting, and also provide updates on any ongoing complaint investigations.
- 8.6** At each ILAC General Assembly meeting, the ILAC Secretary shall provide ILAC members with a brief summary of complaints received since the previous meeting, including the following information:
- the number of complaints received;
  - the category of the complaints, as defined in Section 6 of this procedure;
  - the nature of the complaints (i.e. administrative, procedural, technical); and
  - whether any of the complaints are being addressed directly by ILAC.

## 9. RECONSIDERATION OF THE OUTCOME OF A COMPLAINT INVESTIGATION

- 9.1** The complainant may request ILAC to reconsider the outcome of their complaint by submitting a formal request to the ILAC Secretary within 30 business days of receipt of the notification of the outcome of the complaint investigation.
- 9.2** A request to reconsider the outcome of a complaint investigation shall be heard by the ILAC Executive Committee and will include a review of the process followed to ensure the investigation was performed in accordance with this complaints handling procedure.
- 9.3** The Executive Committee may reopen or reconsider any aspect of the investigation or may request the CWG to reopen or reconsider any aspect of the investigation on behalf of the Executive Committee. The Executive Committee may also include additional independent experts on the CWG, if considered appropriate due to the specific circumstances of the request for reconsideration.

- 9.4** Where the CWG has been requested to reconsider the outcome of the investigation the CWG will provide a final report to the Executive Committee for review, normally within 30 business days from receipt of the Executive Committee's request. The details associated with the reconsideration process will be recorded on the same *ILAC Complaints Proforma* used for the original complaint.
- 9.5** The ILAC Secretary will convey the decision of the Executive Committee to the complainant. This decision shall be final and the complaint will be closed.

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**ANNEX 1 – ILAC COMPLAINTS PROFORMA**

Details from ILAC Complaints Register:

<b>COMPLAINT LOG NUMBER (Month/Year/#)</b>	<b>DATE COMPLAINT RECEIVED</b>	<b>DATE INVESTIGATION COMPLETED</b>

Complaint investigated by: Secretary / Chair / Complaints Working Group (CWG)

Details of CWG:

<b>DATE CWG ESTABLISHED</b>	<b>MEMBERS OF CWG</b>	<b>DATE CWG DISBANDED</b>

Details of supporting documentation received, if any:

<b>DATE RECEIVED</b>	<b>NAME OF DOCUMENT AND DETAILS</b>

Details of the complaint:

<b>DATE (YYYY-MM-DD)</b>	<b>DETAILS OF COMPLAINT / RECOMMENDATIONS / DECISIONS / ACTIONS / ILAC RESPONSE / RESOLUTIONS / COMMENTS / DETAILS OF A RECONSIDERATION OF THE OUTCOME OF A COMPLAINT</b>
	Complainant: Name of Organisation Representative: Complaint Category: 6.1 / 6.2 / 6.3 / 6.4 Details of complaint: Action required:

Details of the reconsideration of the outcome of a complaint, if any:

<b>DATE (YYYY-MM-DD)</b>	<b>DETAILS OF A RECONSIDERATION OF THE OUTCOME OF A COMPLAINT</b>