

Complaints, appeals & claims

Although Control Union (CU) is obliged to do its utmost to provide its Clients with correct services, it may happen that one or more of the service aspects are not to the Client's satisfaction. In those cases the Client may decide to file an appeal, complaint or claim against CU.

An **appeal** is a formal notification of disagreement with a (certification) decision within a certification process, or request by the provider of the object of conformity assessment to CU for reconsideration of a decision it has made relating to that object.

A **complaint** is a formal expression of dissatisfaction, other than appeal, by any person or organisation regarding a CU employee's behaviour, CU methodology, or work executed under contractual responsibility of CU by a critical office or subcontractor. Where the dissatisfaction relates to a (certification) decision within a certification process of CU, this must be submitted as an appeal, not a complaint.

A **claim** is a formal request for a financial or legal settlement, not to be considered as complaints or appeals. Claims are resolved by the financial and / or legal departments. Elements crucial to CU's procedures, are mentioned in this section.

If you wish to file a complaint or appeal, you can make use of the form available.

Appeal

Clients wishing to submit an appeal to CU against a (certification) decision, or request to reconsider a (certification) decision it has made, are requested to specify the nature of the appeal as detailed as possible ("who, what, where, when"), to describe the subject matter clearly and to provide any objective evidence to support each element or aspect of the appeal, if applicable.

An appeal must be submitted in writing. CU will only accept appeals in English unless otherwise agreed in writing. Appeals must be received by CU within 6 (six) weeks after the (certification) decision was issued and must be submitted to the office of CU in India. If the Client fails to do so, or if the appeal is insufficiently substantiated or incomplete, CU may reject the appeal and will not assume responsibility for such an appeal. CU will inform the appellant of the same.

CU will appoint two members of staff to investigate the appeal. All personnel engaged in the appeals-handling process, including those in review, approval and decision-making, must be different from those who carried out the assessment and made the certification decision. Any member of staff, including those acting in a managerial capacity, who have provided consultancy for the Client in question, or have been employed by that Client, within two years prior to submission of the appeal, shall not be involved in the review or approval of the resolution of the appeal for that Client.

CU will endeavour to seek a timely resolution of the appeal and will take any subsequent action needed to resolve the appeal. It will give the appellant formal notice of the outcome and the end of the appeals handling process and the motivation of the decision in writing within 2 (two) months after receipt of the appeal. CU will record the appeal, its outcome and any action undertaken to resolve it, including any established correction and corrective action.

Submission, investigation and decision on appeals may under no circumstances result in discriminatory actions against the appellant.

Complaint

Clients wishing to submit a complaint to CU are requested to specify the nature of the complaint as detailed as possible (“who, what, where, when”), to describe the subject matter clearly and to provide any objective evidence to support each element or aspect of the complaint, if applicable.

In order to avoid misinterpretation and the appearance of self-favouritism from the side of CU, complaints must always be submitted in writing. Only complaints in English will be accepted, unless otherwise agreed in writing. Complaints must be received by CU within 6 (six) weeks after the event that gave rise to the complaint at the applicable office of CU. Complaints that are insufficiently substantiated or incomplete may be deemed inadmissible by CU and rejected. CU will inform the complainant of the same.

CU will decide upon the admissibility of the complaint. CU will appoint two members of staff to investigate the complaint.

All personnel engaged in the complaints handling process, including those in review, approval and decision making, shall be different from those who carried out the assessment and made the certification decision. Any member of staff, including those acting in a managerial capacity, who have provided consultancy for the Client in question, or been employed by that Client, within two years prior to submission of the complaint, shall not be involved in the review or approval of the resolution of the complaint for that Client.

The appointed members of staff will gather and verify all necessary information (as far as possible), including a root cause analysis, and propose how to proceed, including corrections and corrective actions where applicable. CU will endeavour to seek a timely resolution of the complaint and will take any subsequent action needed to resolve the complaint. If the complaint relates to a Client certified for a management system, examination of the complaint must also consider the effectiveness of the certified management system.

CU will endeavour to seek a timely resolution of the complaint and will take any subsequent action needed to resolve the complaint. CU will give the complainant formal notice of the outcome and the end of the complaint handling process and the motivation of the decision in writing within 2 (two) months after receipt of the complaint. CU will record the complaint, its outcome and any action undertaken to resolve it in CU production tool under unique identification, including any established correction and corrective action.

Complaints about a certified Client that have passed through the complaints handling process must be addressed to that certified Client by CU within an appropriate timeframe. If this is requested by the complainant, the anonymity of the complainant must be retained. And CU must determine, together with the certified Client and the complainant, whether and, if so to what extent, the subject of the complaint and its resolution will be made public.

Submission, investigation and decision on complaints may under no circumstances result in discriminatory actions against the complainant.

If CU decides and substantiates that CU or any of its employees, officers, agents or subcontractors was not to be blamed to the extent specified in the complaint, all costs and expenses may be charged to the complainant.

CU will endeavour to settle any complaint amicably. Where no amicable settlement is reached, all disputes which may arise between CU and the Client shall be brought before the competent court of jurisdiction in India, which shall have exclusive jurisdiction on the matter, unless the parties agree in writing between themselves upon another competent court.

Claims

The liability CU in respect of any claims for loss, damage or expense of whatsoever nature and howsoever arising in respect of any breach of contract and/or any failure to exercise due skill and care by CU shall in no circumstances exceed a total aggregate sum equal to 10 (ten) times the amount of the fee or commission payable for the specific services required under the applicable contract with CU. CU will not be held liable for any claims for indirect or consequential loss including loss of profit and/or loss of future business and/or loss of production and/or cancellation of contracts entered into by the Client.

Upon receipt of a claim, CU will appoint a member of staff to handle the claim, who may be assisted by the Certifier or the Auditor/Inspector concerned. CU may decide to send a written rejection of the claim with reference to the terms of contract to the claimant. CU may also decide to find a commercial solution.

The Client shall hold CU harmless and shall indemnify CU as a result of damages suffered by CU due to the Client not observing the standard's requirements and/or national and international governmental laws and regulations.