

**Raad voor Accreditatie
(Dutch Accreditation Council RvA)**

**Procedure on the Handling
of Complaints by the RvA**

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1 Introduction

Prior to the realisation of this procedure, the RvA had available the policy rule RvA-BR008, concerning the handling of complaints. Since the articles of this policy rule, matched the articles of chapter 9 of the Dutch General Administrative Law Act, these requirements didn't need to be stated in a policy rule. The provisions are already operative under the General Administrative Law Act.

Considering the need for a RvA document concerning the handling of complaints, in particular for the clients outside of The Netherlands, considering there is no official English version of the General Administrative Law Act, this procedure is drawn up. This document contains the updated articles of policy rule RvA-BR008, concerning the handling of complaints, in part adapted to the specific situation of the RvA.

2 Scope

Article 1.

This procedure applies to actions of the RvA in the performance of the duties assigned to it under the National Accreditation Body Appointment Act (Bulletin of Acts and Decrees 2009 455). Complaints can be made about these actions. This document contains procedures and safeguards for the handling of complaints and must be seen as an elaboration of and a supplement to Chapter 9 of the General Administrative Law Act.

Article 2.

This document does not apply to:

1. complaints relating to CABs accredited by the RvA, which the RvA regards as a notification and which are handled according to the procedures in RvA-BR002;
2. complaints relating to clients of organisations accredited or accepted by the RvA;
3. notifications of an interpretation dispute. These are handled according to the procedures in RvA-BR002, section 6.

Article 3.

RvA documents referred to in this document, can be found on the RvA website (www.rva.nl). This document is available in both Dutch and English, but the Dutch version of the document is regarded as leading.

3 Definitions

Article 4.

The terms below have the following meanings in this document:

Dutch Accreditation Council RvA: The Dutch Accreditation Council Foundation, which the Minister of Economic Affairs has appointed in the National Accreditation Body Appointment Act as the Dutch national accreditation body as defined in Article 4 of Regulation (EC) No 765/2008.

Complaint: Expression of dissatisfaction, about the way in which the RvA or a person working under the responsibility of the RvA has acted in a given matter in respect of the complainant or someone else.

CAB: Conformity Assessment Body: A body that undertakes conformity assessment activities such as calibration, (medical) testing, certification or inspection.

4 Formal requirements of a complaint

Article 5.

1. Anyone shall have the right to submit a complaint to the RvA about the way in which the RvA has acted in a given matter in respect of them or someone else.
2. An action of a person working under the responsibility of the RvA will be regarded as an action of the RvA.
3. If a written complaint relates to an action in respect of the complainant and meets the requirements of paragraph 4, Articles 9 to 16 shall apply.
4. The complaint has been signed and contains at least:
 - a. the name and address of the person submitting the complaint;
 - b. the date;
 - c. a description of the action to which the complaint relates.

5 Handling of a complaint by the RvA

Article 6.

The RvA is responsible for the proper handling of complaints. The handling of complaints is based on this document.

Article 7.

If a complaint is submitted verbally, the RvA will respond to it verbally, if necessary by telephone. If the complainant expressly indicates that it would welcome a written response, the RvA will comply with this. The RvA will decide in each individual case how to additionally handle a verbal complaint.

If a written complaint fails to comply with the provisions laid down in Article 5, paragraph 4, the RvA, depending on the nature of the omission, may offer the complainant a period of time in which to rectify the omission. In the event of failure to comply with the provisions laid down in Article 5, paragraph 4, the RvA may decide to declare the complaint inadmissible. If the complaint is admissible, it will be handled in accordance with the provisions laid down in Article 9 et seq.

Article 8.

As soon as the RvA has handled the complaint to the complainant's satisfaction, the handling of the complaint will be closed.

Article 9.

The RvA will acknowledge the receipt of the complaint in writing. With this acknowledgement of receipt the RvA will also provide information about the subsequent procedure, including the possibility for the complainant to be heard, if he wishes to make use of this.

Article 10.

1. The complaint will be handled by a person who has not been directly involved in the action to which the complaint refers.
2. In the case of a complaint about the chief executive, the director of operations submits the complaint to the chairman of the Supervisory Board, who decides on the procedure for handling the complaint.

Article 11.

1. The RvA is not required to handle a complaint if it relates to an action:
 - a. about which a complaint has previously been submitted which has been handled in accordance with the provisions laid down in this document;
 - b. that took place more than a year before submission of the complaint;
 - c. to which the complainant could have objected;
 - d. against which the complainant can bring or could have brought an appeal;
 - e. that by the institution of proceedings is or has been subject to the judgment of a judicial body other than an administrative court; or
 - f. as long as an investigation by order of the public prosecutor or a prosecution is under way in this matter or if the action forms part of the investigation or prosecution of an offence and an investigation by order of the public prosecutor or a prosecution is under way in respect of that offence.
2. The RvA is not obliged to handle the complaint if the interest of the complainant or the weight of the action is clearly insufficient. The RvA has a certain amount of discretion here. It may not however decide lightly not to handle a complaint for this reason.
3. The complainant will be notified in writing that the complaint is not going to be handled as soon as possible, but within not more than four weeks of receipt of the complaint. In this notification will be mentioned that the complainant can file a petition with the National Ombudsman within one year.

Article 12.

A copy of the complaint and the documents enclosed with it will be sent to the person to whose action the complaint relates. This is based on the principle of hearing both sides of the argument. The RvA may, voluntarily or at the request of the complainant, remove privacy-sensitive complainant data from the documents to be sent to the person accused.

Article 13.

1. The RvA will give the complainant and the person to whose action the complaint relates the opportunity to be heard.
2. The hearing of the complainant may be waived if the complaint is clearly unfounded or if the complainant has declared that it has no wish to exercise the right to be heard.
3. A report will be made of the hearing. This report will not be made available to the complainant, although the complainant has the right to inspect the report at the offices of the RvA.
4. If the complainant has not taken advantage of the opportunity to be heard on the date and at the time proposed by the RvA, the right to be heard will lapse and the complaint will be handled with the information available for this purpose.

Article 14.

1. The RvA will handle the complaint within six weeks of receipt.
2. The RvA may adjourn the handling of the complaint for not more than four weeks. The complainant and the person to whose action the complaint relates will be notified of such adjournment in writing.
3. Further postponement of the handling of the complaint is possible if the complainant so agrees in writing.

Article 15.

The RvA will notify the complainant of the findings of the investigation of the complaint and any conclusions associated with it in writing and with reasons.

In this notification will be mentioned that the complainant can file a petition with the National Ombudsman within one year.

Article 16.

No objection or appeal can be made against a decision not to handle a complaint in accordance with article 8 or 11 of this procedure.

Article 17.

The RvA is responsible for registration of the complaints submitted. A breakdown of the number of complaints registered will be published annually in its annual report. This only concerns the quantity, not the content or the conclusions of the RvA. The RvA may however decide to break down the publication by type of complaint. Publications of complaints will always be anonymised.

Article 18.

The corrective action period will not be suspended by the submission of a complaint about the way in which a non-conformity has come about. The conformity assessment body that has submitted such a complaint must respect the provisions laid down in the Non-Conformities and Corrective Action Policy Rule (RvA-BR004).

6 Changes compared with previous version

At the request of the User Council, article 10 is amended. This article is now identical to article 12.3 of the Quality Manual RvA, QM001.