



Procedure 2 Complaints and Appeals

1 Purpose

1.1 To establish FISH procedures for handling complaints and appeals.

2 Scope

2.1 Programmatic activities of the FISH certification scheme that may be the subject of:

2.1.1 Complaints about the operation of the FISH certification program including complaints about the process for standard setting or standard review, scheme governance, scheme management, the performance of certified entities in relation to scheme requirements, the performance of approved or applicant certification bodies in relation to scheme requirements, and/or the performance of appointed accreditation bodies in relation to scheme requirements (Section 5 – Complaints); and

2.1.2 Appeals as may be lodged by parties against any adverse decision taken by the FISH scheme owner or its committees or employees (Section 6 - Appeals).

3 Definitions

Complaint	Expression of dissatisfaction, other than appeal, by a person or organization to a certification body, accreditation body, or standard setting body relating to the activities of that body, where a response is expected.
Complainant	Person or party lodging a complaint.
Complaint Report	Written report summarizing the findings from a complaint investigation and, as applicable, identifying corrective actions to be taken in response.
Appeal	A request by a person or organization for reconsideration of an adverse decision made by a certification body, accreditation body, or standard setting body.
Appellant	Person or party lodging an appeal.

4 Review and Acceptance

- 4.1 Any stakeholder may submit a complaint or appeal to the FISH Standard for Crew certification program.
- 4.2 Submissions may be made by email to the ED or via a link on the FISH website.
- 4.3 To be accepted as a complaint or appeal, the submission must:
- A. be in writing;
 - B. be identified by the stakeholder as a formal complaint;
 - C. provide the name and contact details of the person who will serve as point of contact for the party making the submission;
 - D. specify whether the submitting party requests to remain anonymous¹;
 - E. provide specific evidence in support of any assertions or allegations, and
 - F. fall within the remit or scope of the FISH certification scheme.
- 4.4 The ED reviews all submissions within five (5) days of receipt to ensure they meet 4.3.
- 4.4.1 For a submission that does meet 4.3, the complainant or appellant is notified in writing that the submission is accepted, together with a description of a proposed timeline for investigation and a copy of this procedure.
- 4.4.2 For a submission that does not meet 4.3, the stakeholder is notified in writing that the submission is not accepted and the grounds for rejection are explained. The stakeholder is given a copy of this procedure and invited to resubmit if so desired.
- 4.5 Upon acceptance of a submission, the complaint or appeal is logged in the FISH internal database and handled per Section 5 (complaints) or Section 6 (appeals) as appropriate.

5 Complaints

¹ In the case of complaints, FISH will maintain anonymity if requested by the complainant. Appeals, on the other hand, cannot be treated anonymously because review entails revisiting an adverse decision against the appellant.

5.1 Complaint Scope

- 5.1.1 Complaints that relate to the activities of a Certificate Holder (CH) are, in the first instance, referred to the CB of record for that specific certification to consider whether the issues raised by the complainant have merit and may have an impact upon CH conformity with scheme requirements.
- 5.1.2 Complaints about the activities of a CB are, in the first instance, referred to the CB for redress under the CB's complaints procedure.
- 5.1.3 Complaints about the activities of an AB are, in the first instance, referred back to the AB for redress under the AB's complaints procedure.
- 5.1.4 If referral of a complaint as set out in 5.1, 5.2, and/or 5.3 does not satisfactorily resolve the matter, the ED will again review the complaint considering any new information or outcomes that came from referral. The ED may then choose to accept it for complaint investigation.

5.2 Complaint Investigation

- 5.2.1 The ED appoints a person to investigate the complaint and informs the complainant of the appointment.
 - 5.2.1.1 Depending on the scope and complexity of the subject matter, the ED may choose to appoint an ad hoc team rather than a single person to investigate the complaint.
- 5.2.2 The investigator(s) shall be impartial and independent of the complaint. The person(s) appointed as investigator shall have no material involvement in the subject matter of the complaint and have no conflict of interest with either the complainant or the parties identified in the complaint.
- 5.2.3 The ED appoints an investigator who has sufficient technical expertise in the subject area.
 - 5.2.3.1 The appointed investigator may be the ED, a FISH Staff person, an SOC member, a Board member, or an independent expert.
- 5.2.4 The timeline for complaint investigation is defined by the ED though, in general, investigations should be concluded within 30 days of appointment of the investigator. Depending on the nature and scope of the investigation, however, the ED may extend the timeline up to 90 days.
- 5.2.5 In conducting the complaint investigation, the investigator shall:
 - A. clearly identify the criteria used in the evaluation;

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- B. seek out and rely upon objective evidence;
 - C. be conscientious, diligent, respectful and efficient;
 - D. be accurate, consistent and complete in their evaluation; and
 - E. take steps as may be necessary to safeguard the confidentiality of information reviewed.
- 5.2.6 The investigator may solicit additional information about the nature of the complaint from:
- A. the complainant;
 - B. parties identified in the complaint; and/or
 - C. relevant representatives from the scheme owner.
- 5.2.7 At the conclusion of the investigation, the investigator prepares a Complaint Report covering:
- A. the main findings of the complaint investigation;
 - B. recommended action(s) to take in response to the complaint; and
 - C. proposed timelines for completing, as applicable, any corrective actions.
- 5.2.8 The ED will consider all corrective actions recommended by the investigator. The ED will brief the Board and/or SOC (as applicable based on topic) on the investigator's recommendations and obtain consensus as to the most appropriate course of action.
- 5.2.8.1 If the implementation of the investigator's recommendations will cause a change to the FISH Standard, policy, procedure or other document, the action will be handled in accordance with *FISH Standard Setting and Maintenance Procedure*.
- 5.2.9 FISH will be responsible for covering any costs associated with an investigation. In the case of extraordinary circumstances that may require extensive travel or entail other significant expenses, FISH may seek financial support from other parties to support the investigation.
- 5.2.10 The ED informs the complainant in writing of the outcome of the complaint investigation and any resulting actions taken. Other affected parties, if applicable, are notified as well
- 5.2.10.1 The ED may share the Complaint Report with the complainant and other affected parties so long as confidentiality is not undermined.

5.2.11 The ED logs the Complaint Report in the FISH internal database and any resulting actions are recorded.

5.2.12 Complaints about CBs are reviewed annually according to FISH Procedure for Scheme Monitoring and Evaluation.

6 Appeals

6.1 Appeal Scope

6.1.1 An appeal of a certification decision is referred back to the CB of record for redress under the CB's appeals procedure.

6.1.2 An appeal of an accreditation decision is referred back to the AB of record for redress under the AB's appeals procedure.

6.1.3 An appeal of a decision taken by the FISH Standard for Crew certification scheme (i.e., a decision taken by FISH SC or its board, committees or employees) are reviewed under section 6 of this procedure as described below.

6.1.4 Decisions that are subject to appeal may include:

- A. Approval, rejection or removal of a CB;
- B. Appointment, rejection or termination of MOU with an AB; and
- C. Another decision taken by FISH SC with respect to a specific party or organization that may have an adverse effect on that party or organization.

6.2 Review of Appeal

6.2.1 The ED appoints a person to review the appeal and informs the appellant of the appointment.

6.2.2 The appeal reviewer shall have no material involvement in the subject matter of the appeal and have no conflict of interest with the appellant.

6.2.3 The ED appoints an appeal reviewer who has sufficient technical expertise in the subject area.

6.2.3.1 The appointed appeal reviewer may be the ED, a FISH Staff person, an SOC member, a Board member, or an independent expert.

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- 6.2.4 The timeline for appeal review is 30 days from appointment of appeal reviewer.
- 6.2.5 The appeal reviewer may solicit additional information about the nature of the appeal from:
- A. the appellant; and/or
 - B. relevant representatives from the scheme owner.
- 6.2.6 After having reviewed objective evidence relevant to the appeal, the appeal reviewer shall reach a determination as to whether the decision should be upheld or not.
- 6.2.7 The reviewer shall prepare a written summary of his/her conclusion with a justification for upholding or not upholding the decision.
- 6.2.7.1 The written summary in 6.2.7 should be formatted as a letter from the reviewer to the ED.
- 6.2.8 The appeal reviewer shall present his/her determination to the ED. The ED and appeal reviewer will brief the Board on this determination.
- 6.2.8.1 If the decision is upheld (i.e., the appeal is not justified), then the appeal reviewer and ED inform the appellant of this conclusion and the original decision stands.
- 6.2.8.2 If the decision is not upheld (i.e., the appellant is justified in lodging an appeal), then the decision shall be remanded back to the ED for further action.
- 6.2.9 The decision of the appeal review is final and not subject to further appeal.
- 6.2.10 FISH will be responsible for covering any costs associated with an appeal review. In the case of extraordinary circumstances that may require extensive travel or entail other significant expenses, FISH may seek financial support from other parties to support the appeal review.
- 6.2.11 The ED informs the appellant in writing of the outcome of the appeal review.
- 6.2.11.1 The ED may share the written summary of the appeal review.
- 6.2.12 The ED logs the appeal and written summary in the FISH internal database and any resulting actions are recorded.