

QMM-PR-03-02

Management of Appeals Procedure

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1 Background Information

1.1 Purpose

This procedure outlines the process of handling disputes and appeals emanating from accredited organizations, organizations seeking accreditation and or members of the public in order to effectively resolve such issues effectively and in a timely manner.

1.2 Scope

This procedure applies to all KENAS staff, outsourced assessors / experts, KENAS applicant or accredited CABs and members of the Accreditation Appeals Tribunal.

1.3 Role(s) and Responsibility

Role	Responsibility
All KENAS Staff	Process owner
QRMO	Reviewer
MRSQ	Recommender
CEO	Approval

2 Terms and Definitions

For the purpose of this manual, the following terms and definitions shall apply in addition to those given in ISO/IEC 17000 and the KENAS 2019.

2.1 Acronyms and Abbreviations

AAT	Accreditation Appeals Tribunal
CEO	Chief Executive Officer
CAB	Conformity Assessment Body

2.2 Definition of Terms

2.2.1 Appeal

Request by a CAB for reconsideration of any adverse decision made by KENAS related to its accreditation Status. An adverse decision made by KENAS may include:

a) Refusal to accept an application
b) Refusal to proceed with an assessment
c) Changes in accreditation scope
d) Decisions to deny, suspend or withdraw accreditation
e) Any other action that affects the attainment of accreditation.

3 Process Detail

3.1 Submission of Appeals

3.1.1 Disputes and appeals falling within the scope of the definition of appeals herein shall be made formally:

a) through the prescribed form; or

b) in writing to the CEO Kenya Accreditation Service.

3.1.2 Once received, the appeals shall be recorded in the designated disputes/appeals register at the Executive Office.

3.1.3 The following details shall be recorded in the complaints register;

a) The name, contact and description of the party registering the dispute or appeal

b) The name(s) contacts and description of the party(s) against whom the dispute or appeal is registered

c) A brief description and/or fact of the dispute/appeal

d) A list of the documents submitted in support of the dispute/appeal.

3.2 Handling of Appeals

3.2.1 A CAB aggrieved by the accreditation decision made by submit their appeal as described in clause 3.1.1 b) upon payment of prescribed fees against the decision within twenty-one (21) days from when the decision was made.

3.2.2 Upon receipt of the appeal, KENAS decision of accreditation shall be suspended until appeal is heard and determined.

3.2.3 The CEO shall forward the appeal to the Accreditation Appeals Tribunal described in clause 3.3.5, within seven (7) days of receipt of appeal.

3.2.4 The AAT shall make its consideration on whether to:

a) Confirm or vary KENAS decision,

b) Direct KENAS to carry out a fresh evaluation of the application or conduct a fresh assessment; or

c) Issue other orders, where necessary, including an order related to costs.

3.2.5 The AAT shall consist of five (5) member appointed competitively by the Cabinet Secretary of the Ministry of Industrialization, Trade and Enterprise Development where:

a) The Chairperson shall be a qualified judge of the High Court of Kenya;

b) The members shall possess expertise and knowledge in matters relating to accreditation, conformity assessment, standardization and regulatory activities.

3.2.6 If the decision of ATT is not agreed upon by the CAB, the CAB may appeal to the High Court who shall make its consideration on whether to:

a) Confirm or review the ATT decision;

b) Remit the proceedings of the appeal to the AAT and direct the Tribunal to review the decision; or

c) Issue other orders, where necessary, including an order related to costs

4 Associated Documents

Ref	Document Identifier	Document Title
1.	Act No. 4 of 2015	Fair Administrative Action Act
2.	Act No. 17 of 2019	Kenya Accreditation Service Act
3.	QMM-01	Quality Manual

5 Revision/ Amendment Records

Date	Ver	Revised By	Reason for Revision
14/12/2022	01	LCS	Newly developed/formatted document