

# AWS Comments, Complaints and Appeals Procedure

**Version 1-0**

**Feb 2017**

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**ALLIANCE FOR WATER STEWARDSHIP (SCIO)**

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## PURPOSE

The purpose of this document is to set forth AWS procedure for handling comment, complaints and appeals. This document is a normative reference which will be used alongside other normative AWS documents to assign responsibilities, manage processes and set deadlines for the timely and effective handling of comments, resolution of complaints and consideration of appeals. This procedure is intended to inform the process, on a case by case basis, for the handling of comments, complaints and appeals, rather than set out in detail these processes. Such processes will be formulated and agreed with the parties to a complaint or appeal.

## RESPONSIBILITY FOR THESE REQUIREMENTS

The AWS Technical Committee is the body responsible for the *AWS Comments, Complaints and Appeals Procedure*. The TC will review the contents of this document on an ongoing basis. A record of amendments is shown below.

### *Amendment Record*

Version No.	Date of Publication	Description of Amendment
1.0	February 2017	<b>Approved</b> Drafting took account of AWS Board Comments and expert input.

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## A INTRODUCTION

The Alliance for Water Stewardship (AWS) is a global, non-profit organization dedicated to advancing water stewardship around the world. As part of this mission, AWS developed *The AWS International Water Stewardship Standard*. The AWS Standard was the result of an international, four-year, ISEAL compliant, multi-stakeholder process which responded to the growing need for evidence of robust water risk and impact mitigation efforts. It is built around the notion of implementing water stewardship at the site level in a way that understands and engages with the broader catchment to work with other water stakeholders to address shared water-related challenges and opportunities.

AWS has developed a verification system for implementing the AWS Standard which is consistent with the ISEAL Assurance Code, providing consistency, rigour, competence, impartiality, transparency, and accessibility. A central feature of the AWS Standard System is the role of independent certification by third-party Conformity Assessment Bodies (CABs).

AWS will implement the AWS Standard System in two phases: an initial phase will be used work out any kinks and ensure capacity is sufficient to meet system needs. For the second phase, AWS will update the AWS Standard System and add improved functionality (e.g. risk aspects, site pairing, etc.) pending AWS member input. Throughout Phase 1, AWS will itself run the accreditation program. This time will be used to gain experience with the system and examine the potential of transferring the accreditation function to an independent accreditation body. Therefore, the present document refers to the AWS accreditation function as an ‘interim’ arrangement.

As an ISEAL member, AWS is committed to an equitable, open and transparent approach to setting and maintaining its standard. Accordingly, the AWS Standard System follows ISEAL’s *Standard Setting, Assurance, and Impacts Codes*. The AWS Standard is also intended to be complementary to existing systems such as ISO 14001. And AWS’s approach – utilizing the competencies of independent third-party entities to assess compliance with the standard - draws heavily on existing international norms which apply to conformity assessment bodies (e.g. ISO 17065).

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## **B SCOPE**

This procedure applies to The Alliance for Water Stewardship (AWS). It describes how AWS will accommodate and respond to certification appeals as well as comments and suggestions on other subjects received from any source.

In accordance with the ISEAL Standard-Setting Code, AWS's resolution of stakeholder concerns is both impartial (i.e., based on a consistent procedure that does not favour one party over another) and documented (i.e., the decision-making process and decisions made are written down and made available on request, within reasonable bounds to accommodate the need for confidentiality).

Contractual disputes are addressed directly between the Interim Accredited Service Provider and their client.

## **C NORMATIVE REFERENCES**

AWS Certification Requirements, Version 1.0, July 2015

AWS Self-Verification Requirements, Version 1.0, July 2015

AWS Interim Accreditation Requirements, Version 1.0, July 2015

AWS Glossary of Terms, Version 1.0, July 2015

The AWS International Water Stewardship Standard, Version 1.0, April 2014

ISEAL Alliance Code of Good Practice: Setting Social and Environmental Standards v5.0, June 2010 ("ISEAL Standard-Setting Code")

ISEAL Alliance Code of Good Practice: Assuring Compliance with Social and Environment Standards v1.0 ("ISEAL Assurance Code")

ISO 17011:2004 Conformity assessment — General requirements for accreditation bodies accrediting conformity assessment bodies (§5.9, Complaints)

## **D ASSOCIATED GUIDANCE**

UN Guiding Principles on Business and Human Rights (III. B. 31 – Effectiveness criteria for non-judicial grievance mechanisms)

## **E TERMS AND DEFINITIONS**

All terms are defined in the AWS Glossary of Terms, with the following additions:

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**Accredited Service Provider:** Conformity Assessment Body (CAB), Trainer or Consultancy that has signed a service agreement with AWS to deliver such services on behalf of AWS.

**Appeal:** A request by an Accredited Service Provider or complainant for reconsideration of an adverse decision made by AWS.

For Accredited Service Providers, adverse decisions are limited to accreditation activities and include:

- Refusal to accept an application,
- Refusal to proceed with an assessment,
- Corrective action requests,
- Changes in accreditation scope,
- Decisions to deny, suspend, or withdraw accreditation,
- Any other action that impedes the attainment of accreditation.

For complainants, adverse decisions include:

- The outcome of a complaint process, where there is evidence of a breach of AWS complaint procedure that has the potential to undermine the validity of the complaint decision. Breaches include:
  - Undeclared conflicts of interest or lack of impartiality by the AWS staff or others investigating the complaint;
  - Lack of due diligence on behalf of AWS to provide a complaint process as outlined in this procedure, where the lack of provision clearly affected the complaint decision.

**Appellant:** The Accredited Service Provider or complainant that is appealing the decision made by AWS that is the subject of any given appeal.

**Appeal parties:** this term is limited to the appellant and those against which they have submitted their appeal. In the case of:

- *Appeals regarding the outcome of an AWS complaint process*, the parties are AWS and the complainant.
- *Appeals regarding AWS accreditation decisions*, the parties are the AWS and the Accredited Service Provider.

Other parties may be consulted during the process but are not considered to be appeal parties.

**Comment:** An expression, suggestion, or input, other than a complaint or appeal, by any person or organization regarding any aspect of the AWS system, where it is AWS's sole discretion whether and how to respond.

**Commenter:** The person providing comment.

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**Complaint parties:** this term is limited to the complainant and those against which they have submitted their complaint. In the case of:

- *Complaints regarding AWS*, the parties are AWS and the complainant.
- *Complaints regarding Accredited Service Providers*, the parties are the complainant, the Accredited Service Provider and any affected client(s) of the Accredited Service Provider.
- *Complaints regarding certified, self-verified, or registered sites*, the parties are the complainant, the Accredited Service Provider, and the company associated with the site.

Other parties may be consulted during the process but are not considered to be complaint parties.

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## 1. PRINCIPLES

- 1.1** Comments, complaints and appeals related to the AWS Standards and Certification System shall be handled through a process that embodies the following criteria, adapted from the UN Guiding Principles on Business and Human Rights (III. B. 31 – Effectiveness criteria for non-judicial grievance mechanisms):
- **Legitimate:** enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
  - **Accessible:** all stakeholders should be made aware of and have access to the complaints system; whilst providing assistance to those who may face particular barriers to access;
  - **Predictable:** provide a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation.
  - **Equitable:** seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
  - **Transparent:** keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake;
  - **Rights-compatible:** ensuring that outcomes and remedies accord with internationally recognized human rights;
  - **A source of continuous learning:** through regular review of comments, complaints, and appeals to identify opportunities to improve AWS standards, requirements, policies and procedures.
  - **Based on engagement and dialogue:** consulting the stakeholders for whose use the procedures are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.
- 1.2** In addition to the criteria above:
- 1.2.1** Any individuals involved in the investigation and/or decision-making process surrounding a complaint or appeal shall declare any conflict of interest they may have in the proceedings and disqualify themselves accordingly.
- 1.2.2** Any retributions or reprisals against commenters, complainants, or appellants will not be tolerated.
- 1.2.3** The AWS comments, complaints and appeals processes are not intended to be used to substitute, circumvent, or override the legal rights of any party to use judicial mechanisms, where available and appropriate.

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## 2. PROCEDURE

### 2.1 General Provisions

- 2.1.1 This procedure, along with a summary of its' provisions shall be made publically available on the AWS website.
- 2.1.2 All comments, complaints and appeals shall be initially received and coordinated by a designated member of the AWS team, hereafter referred to as the coordinator, to ensure efficient handling of stakeholder concerns.
- 2.1.3 The coordinator shall conduct an analysis to ensure the all comments, complaints, and appeals are followed up through the appropriate mechanism.
- 2.1.4 For complaints and appeals, documents can be shared in a timely manner with the parties, subject to each party signing a confidentiality and non-disclosure agreement with AWS.
- 2.1.5 All complaints received by AWS will be recorded online on the AWS case tracker, with basic, non-confidential information and status of the process.
- 2.1.6 Comments and appeals will not be recorded on the case tracker.

### 2.2 Submission

- 2.2.1 Comments, complaints and appeals may be submitted in writing, using the appropriate online form on the AWS website.
- 2.2.2 The coordinator shall provide assistance to any stakeholder that has issues accessing the system, including recording comments, complaints and appeals received by means other than in writing e.g. over the phone etc.
- 2.2.3 Complainants or appellants may designate representatives or advisers to accompany them in filing their submission with AWS.
- 2.2.4 Commenters, complainants, and appellants, excepting Accredited Service Providers, can request to have their identities remain confidential and only known to AWS.
- 2.2.5 Anonymity can also be requested for commenters, complainants, and appellants, excepting Accredited Service Providers. Anonymity is reserved for 'whistleblowers' that face risks from revealing their identities. AWS reserves the right to reject anonymous submissions if they do not include justification for anonymity and substantive evidence to support the allegations.
- 2.2.6 Translation can be requested if a response from AWS in a language other than English is required.

### 2.3 Comments submitted to AWS

- 2.3.1 AWS invites and welcomes comments or suggestions on any AWS Standard and any element of AWS's certification and assurance system at any time from any individual or organization.
- 2.3.2 Interested parties should refer to the AWS Standard Development Review and Revision Procedure for information on elements that must be included in comment letters related to the AWS Standards System.
- 2.3.3 AWS will respond to comments provided they are substantive, submitted in writing, and include the commenter's name, contact information, and any institutional affiliation.
- 2.3.4 AWS reserves the right to determine how comments should be responded to and, if necessary, may refer the commenter to our complaints or appeals process for further handling.

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## 2.4 Complaints against AWS

Scope:

- AWS governance, staff, policies or procedures.
- Substantive complaints regarding the content of the AWS Standard.
- Procedural complaints related to the standard development and revision processes or assurance procedures, including the accreditation approval process.

- 2.4.1 AWS will accept complaints on any AWS Standard and any element of AWS's certification and assurance system at any time from any individual or organization.
- 2.4.2 AWS will acknowledge receipt of a complaint within five business days.
- 2.4.3 Complaints are initially considered by the most senior operations staff to determine merit and then passed through a consultative process that may include AWS staff, Technical Committee, and Board, as appropriate.
- 2.4.4 AWS will respond to the complainant with a proposed resolution within sixty calendar days of receiving the complaint.
- 2.4.5 If the complainant is not satisfied with the resolution, they may submit an appeal, which will be reviewed by the AWS Board, per AWS's appeals process (see section 2.7)
- 2.4.6 AWS will communicate the decision regarding the resolution of the complaint to the complaint parties and provide a written report to those parties who have signed a confidentiality and non-disclosure agreement.
- 2.4.7 AWS will provide a public summary of the complaint decision to other interested parties where relevant and on request, unless providing the information would violate reasonable guidelines or requirements for confidentiality.

## 2.5 Complaints against Accredited Service Providers

Scope:

- Complaints related to the performance of an Accredited Service Provider.

- 2.5.1 Operators or other stakeholders with complaints related to the conduct of an Accredited Service Provider are obligated to first use the dispute mechanism established by that Accredited Service Provider.
- 2.5.2 If the complaint remains unresolved, AWS may, at its discretion, mediate on behalf of the complainant through AWS's appeals process (see section 2.7).

## 2.6 Complaints against certified, self-verified and/or registered sites

Scope:

- Complaints related to the performance of a certified, self-verified, or registered site against applicable AWS requirements.
- 2.6.1 Complaints about certified, self-verified, and/or registered sites shall be directed to the relevant Accredited Service Provider, and a member of the AWS Technical staff will track the handling of the complaint by that body.

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- 2.6.2 AWS will acknowledge receipt of the complaint within ten business days and indicate that it has been passed on to the Accredited Service Provider.
  - 2.6.3 Any decision by the Accredited Service Provider to suspend or withdraw certification shall be handled in accordance with AWS Certification Requirements.
  - 2.6.4 The Accredited Service Provider shall keep AWS informed of the progress of each complaint it is handling.
  - 2.6.5 If issues remain unresolved, AWS may, at its discretion, mediate on behalf of the complainant as a Complaint Regarding Accredited Service Providers (see 2.5).

## **2.7 Appeals against complaint decisions**

Scope:

- Appeals from complainants that challenge AWS complaint decisions, where there has been a breach of procedure that may undermine the complaint decision.
  - Appeals from complainants that challenge the outcome of an Accredited Service Provider's complaint process, where the complainant can show that the Accredited Service Provider failed to handle the complaint per their procedures, failed to properly apply AWS Standards and requirements, or that the outcome did not consider all the evidence provided.
- 2.7.1 Appeals can be submitted online using the appeals submission form. AWS will acknowledge receipt of an appeal within five business days.
  - 2.7.2 Appeals are initially considered by the most senior operations staff to determine merit and then passed through a consultative process that may include the operator, the Accredited Service Provider, AWS staff, Technical Committee, and Board, as appropriate.
  - 2.7.3 For appeals that challenge AWS complaint decisions, AWS will respond to the appellant with a decision to uphold or reject the appeal, based on a review of the complaint decision by the AWS Board of Directors.
  - 2.7.4 For appeals that challenge complaint decisions made by an Accredited Service Provider, AWS will respond to the appellant with a decision to uphold or reject the appeal, based on a review of the complaint decision by AWS.
  - 2.7.5 If the appeal is rejected, the original complaint decision stands.
  - 2.7.6 If the appeal is upheld, the original complaint decision will be overturned and the Accredited Service Provider may face corrective actions.
  - 2.7.7 All appeal decisions are final.

## **2.8 Appeals against AWS accreditation decisions**

Scope:

- Appeals from Accredited Service Providers that challenge an adverse AWS accreditation decision.
- 2.8.1 Appeals can be submitted online using the appeals submission form. AWS will acknowledge

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receipt of an appeal within five business days.

- 2.8.2 Appeals are initially considered by the most senior operations staff to determine merit and then passed through a consultative process that may include the operator, the Accredited Service Provider, AWS staff, Technical Committee, and Board, as appropriate.
- 2.8.3 AWS will respond to the operator or the Accredited Service Provider with a proposed resolution within thirty calendar days of receiving the original appeal. If AWS Board of Directors sanctions the response, no further appeal is permitted.
- 2.8.4 Appeals associated with interim accreditation decisions should be made within the next 60 days after AWS has decided not to accredit an applicant, or suspend or withdraw accreditation of an Accredited Service Provider.

### **3. REPORTING**

- 3.1 A summary of all comments, complaints, and appeals received through these mechanisms shall be provided to the AWS Board and Technical Committee, to be reviewed at their next meeting.
- 3.2 AWS shall make available a public summary of comments, complaints, and appeals received through these mechanisms.

### **4. MONITORING AND EVALUATION**

- 4.1 All comments, complaints and appeals shall be analysed for patterns and similar causes.
- 4.2 Where patterns are identified, corrections to the system shall be proposed and handled according to the level of risk to the system.

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