

1. Purpose

This procedure defines TUV USA, Inc.’s responsibilities for receiving, evaluating, and making decisions on complaints, appeals and disputes concerning the certification system activities or decisions, and the maintenance of relative records.

2. Scope

This procedure covers:

- Complaints made by TUV USA clients against TUV USA;
- Complaints made by interested third parties against TUV USA certified clients;
- Appeals on audit results;
- Dispute on the decisions taken by TUV USA on Complaints and Appeals.

3. References

- AS9101D Requirements for Aviation, Space and Defense Quality Management System Certification Programs
- ISO 17021 “Conformity assessment — Requirements for bodies providing audit and certification of management systems”
- IMDRF/MDSAP – Requirements for Medical Device Auditing Organization for Regulatory Authority Recognition
- TÜV NORD CERT Requirements for Complaints, Appeals and Disputes (e.g. CERT-120-VA-012)
- TUV Nord Group Regulations (e.g. K-RL 310)

4. Definitions

4.1. Complaint

Complaints are information or feedback received from TUV USA clients against TUV USA or received from interested third parties related to TUV USA certified clients that may represent a problem on its services/ products provided and must be investigated. The validity of the complaints will be determined prior to taking any necessary action/s.

4.2. Appeal

When client/s disagrees with the audit result and/or the issued non-conformities against its management system during the conclusion of the on-site audit, client can appeal against the audit results or the issued nonconformities.

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4.3. Dispute

When a client disagrees with the outcome of an Appeal or disagrees with the Lead Auditor during the on-site/remote audit, it must be brought to the attention of the TUV USA Managing Director for evaluation. The dispute needs to be submitted either by the client and/or the Lead Auditor in writing stating clearly what the dispute is related to.

Note: All complaints, appeals, and disputes are requested to be submitted in writing, however, if they are received verbally (via phone or in person) the person receiving it must collect the details of the complaint and write an e-mail to TUV USA Quality Manager.

5. Responsibilities

- All TUV USA personnel whether employee or subcontracted are responsible for informing the TUV USA Quality Manager about a received complaint, appeal and/or dispute.
- TUV USA Quality Manager is responsible to enter received complaint, appeal, and/or dispute in the applicable area of the ICAR System and assign the responsible person to perform the investigation. The Quality Manager is also responsible to communicate the complaint, appeal and/or dispute to TÜV NORD CERT (TNC) when it is related to their accreditation by entering this information into TNC Complaints and Appeals tool.
- The Division Directors receive, acknowledge, take appropriate actions and communicate the resolutions.
- TUV USA Managing Director receives, acknowledges, takes appropriate actions and communicates the resolutions for those complaints, appeals and disputes which could not be resolved by the Directors of Divisions due any reason.
- All TUV USA personnel are responsible to keep anonymous the identity of the complainant, unless they want it to be known. This process is subject to TUV USA requirements for confidentiality.
- All TUV USA personnel are responsible for provide the certified organization with contact information of Accreditation Bodies and/ or Regulatory Authorities, when requested.

Note: Personnel that are directly involved in activities related to the issue will not be assigned to investigate the appeal, complaint or dispute.

6. Procedure

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6.1. Complaints

Complaints can be received from many sources such as the TUV USA website, e-mail, letter, phone call etc. and by any person acting on behalf of TUV USA.

Various types of complaints exist and should be handled accordingly:

- Complaints on internal personnel shall be communicated to the employee’s direct supervisor to determine necessary actions. Feedback on these complaints may be maintained in the personnel file, performance evaluations and internal feedback tools (e.g. Threads). In cases where the individual reporting the complaint wishes to remain anonymous, internal complaints can also be reported via the Whistleblower process outlined in the Employee Handbook.
- Whistleblower complaints – depending on the nature of the complaint, the case shall be communicated to the Quality Manager, Direct Manager, Process Owner, and/or Human Resources to determine the appropriate course of action.
- Complaints from third parties on TUV USA Certified Clients – scheme owners and accreditation holders may have their own tools for processing these complaints and notifying the CB or contacting the auditor when necessary.
- Complaints against TUV USA from interested parties –the TUV USA Quality Manager must be notified by email or webform:
https://tuv-usa.formstack.com/forms/formal_complaint

6.1.1 Complaints against TUV USA processes or services

Complaints against TUV USA shall be logged by the TUV USA Quality Manager, in the ICAR Complaints System, assigning the complaint to the Manager of the respective Department or designee.

Regardless of the source of the issue(s), the Manager of the respective Department has 30 calendar days to:

- Confirm the receipt of the complaint to the complainant;
- Determine whether the complaint is valid or not;
- Respond to the complainant informing the actions to be taken;
- Fill in the ICAR System with the requested information.

NOTE: When the completion of the activities described above take longer than 30 days (e.g. due the time for determination of validity, completion of actions for the resolution of the complaint, etc.), the complainant will be notified about the progress of the resolution of the complaint. The progress shall be recorded in the ICAR Complaint System.

Once the complaint has been determined to be valid, the Quality Manager shall determine if the complaint is the result of a failure of a TUV USA process. If this is the case, then an internal nonconformity shall be issued in accordance with the process described in the GOP015.

If it is determined invalid, the reason must be captured in the ICAR System and communicated in writing to the complainant (via e-mail). This communication must be attached to the ICAR as evidence of response.

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In the case that a complainant does not wish to file a formal complaint, but has indicated an issue for which the Quality Manager has been notified, these issues are reported to respective COO and may be classified as “escalations” which are presented to management at the next regular meeting to determine if any actions should be taken.

Escalations can be the result of a customer satisfaction survey feedback, a concern a client raised during their communications with TUV USA personnel, etc. Escalations are considered to be minor and not identified as a nonconformity nor logged as a formal complaint.

6.1.2 Complaints from third parties on TUV USA certified clients

On receipt of a complaint, the manager of the department or designee will confirm whether the complaint relates to certification activities; i.e., if there was an issue with previous audit activities through a review of audit reports.

Complaints will also be reviewed to determine if there is an issue with the effectiveness of the client’s quality management system. Information from complaints is used to determine if onsite/remote investigation/assessments are required or not. If it is determined that an onsite/remote investigation/assessment is required, the client may be informed, and a Special or Unannounced Assessment may be conducted to determine if appropriate corrective action measures have been put in place.

Where feedback, nonconformity, and/or other action related to the complaint, has not been adequately addressed by the client, additional nonconformities may be issued during Special Assessment by the Lead Auditor

If it is known that TUV USA clients are under customer sanctions, special status conditions, and/or have received negative feedback regarding the quality management system or product issues (including feedback from external databases), the Lead Auditor is required to include a review of these situations and include his/her review in the Audit Report.

Note: All results of the investigation/ evaluation described above may be recorded in the ICAR System or other TUV NORD complaint monitoring tools.

Information from complaints is also communicated to the Lead Auditor, who is instructed to use the information in planning the next audit.

The Lead Auditor shall include in their Audit Report, for as long as the complaint/feedback is open (active) and upon recommendation for closure, commentary on the effectiveness of the client’s quality management system, corrective action process, and records regarding customer/interested party/stakeholder satisfaction and/or feedback with regard to addressing the complaint/feedback.

6.1.3 Complaints/ Feedback from External Sources (ie; Databases, Notices, etc.)

Complaints or concerns that are received through external databases, notices, and/or other sources for third party complaints, may be also entered in the ICAR System and addressed in accordance with the GOP015 Nonconformity Management Procedure.

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Information from these complaints is used to determine if investigative onsite/remote assessments are needed to verify that the client’s quality management system remains effective.

Note: External database feedback that is administrative in nature (such as supplier or User/Administrator setups) do not require corrective action.

6.1.4 Complaints against quality management systems certified to ISO 13485 under the MDSAP Program

For the MDSAP issued certificate, if there are any complaint/s (e.g. whistleblowers) received related to a medical device manufacturer that could indicate an issue related to the safety and effectiveness of medical devices or a public health risk, the complaint shall be directed to the TUV USA Chief Operating Officer or his/her designee who will immediately forward information on the complaint received to the recognizing Regulatory Authority(s).

In the event the complainant does not agree with the decision of the Chief Operating Officer or designee, an appeal can be made to TUV USA Managing Director.

In the event the complainant does not agree with the decision of the TUV USA Managing Director an appeal can be made to the applicable certification scheme accreditation body or regulatory authority.

6.1.5 Complaints in certifications under TÜV NORD CERT’s accreditation

Beside the registration into ICAR System, those Complaints related to certifications under TUV NORD Cert (TNC) accreditation are also to be communicated to TN CERT, by TUV USA Quality Manager, via TNC Complaint tool or any other means defined by TN CERT.

If the complaint is major, regardless of where the cause lies (Germany or the foreign subsidiary), it must be sent to the International Certification Department at TN CERT Germany immediately using the TN CERT electronic system.

Major complaints and appeals are as follows:

- Complaints from accreditors regarding clients certified by us
- Complaints of third parties (third-party companies, organizations or private individuals) regarding clients certified by us
- Non-accepted standard contracts
- Non-accepted certification decisions (objection/claim)
- Incorrect database entry
- Potential or threat of legal actions, actions revealed to the public or claims for damages
- Certificate not issued after 3 months following corrective actions.
- All complaints in connection with IATF16949 certification in Germany and abroad.

All other complaints are considered to be "minor."

6.2. Audit Appeals

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Client organizations are advised of the appeals process for nonconformities during the opening/ closing meeting of each audit activity. If the client does not agree with the audit results and/or issuance of a nonconformity(ies), an appeal can be filed by the client.

The client has 7 business days from the last day of the audit to appeal the nonconformity

Appeals of non-conformities shall be formalized in writing and submitted via Workflow, e-mail to the TUV USA Quality Manager. The appeal should include sufficient identification as to which nonconformity and audit the appeal is related to, and shall include information and evidence, which supports the process was compliant at the time the nonconformity was issued. The Technical Manager or designee will review the audit documentation and consult with the audit team and client as necessary to determine the validity of the appeal.

Appeals are recorded in the ICAR System and must be responded to by the Technical Manager assigned to the case within 10 business days.

Upon completion of the review, the client and the audit team will be informed of the decision. The conclusion shall be logged in the ICAR Appeals System in Workflow.

6.3. Disputes

The client may dispute a decision to an appeal to the TUV USA Managing Director, who will perform an additional review. If the dispute is against a decision made by the Managing Director, it will be presented to the Impartiality Committee. The Impartiality Committee shall review the situation. Upon completion of the review, the client will be informed of the decision.

Submission, investigation and decisions made regarding complaints, disputes and appeals do not result in discriminatory actions against the client.

Disputes are also recorded in the ICAR System and must be responded within 10 business days.

6.4. Progress Report

The client is notified through email regarding the progress of the complaint, appeal or dispute.

7. Outcome and Final Resolution

TUV USA, Inc. is responsible for the resolution of all complaints.

Only those complaints, appeals, and disputes that cannot be resolved by TUV USA, Inc. are referred to TNC (when related to their accreditation) or the appropriate Accreditation Body (AB) and/or Regulatory Authority.

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The complainant, appellant, and those filling the dispute are notified of the outcome and the final resolution of the complaint, dispute, or appeal through email notification and/or notification through Workflow. Where required per standard/scheme rules, notification will also be provided through external database feedback systems.

TUV USA is responsible for communicating with the complainant and the client regarding the outcome and final resolution of a complaint, dispute, or appeal. Information about a particular client or individual shall not be disclosed to a third party, or person(s) directly involved in the process without the written consent of the client or individual concerned.

The status of the Complaint or Appeal ICAR shall be updated to 'Complete' once the final resolution has been communicated with the complainant and the case is considered closed.

8. Documents and Records

Records of all complaints, disputes and appeals are maintained by TUV USA, Inc. in accordance with the Records Procedure GOP014.

Related References:

- ICAR Complaints System (Workflow)
- ICAR Appeals System (Workflow)
- Workflow Online Form for Appeals (For standards where NC management is processed via Workflow)
- Customer Contact Form on TUV USA website
- GOP015 Nonconformity Management Procedure

Revision History

Revision	Date	Description of the Change	Approved by	Training/ Communication
1	08/25/2017	Section 6.1.4 was updated to clarify that all major complaints related to TNC accreditation must be entered to TNC Complaint tool. The definition of Major complaint was also made clear based on TNC procedure CERT-120-VA-012.	R. Thomsen	
2	11/27/2019	Added NOTE on section 6.1 related to timeframe for completing actions	Ricardo De Souza	Communication via Workflow (release)
3	09/16/2020	Inclusion of timeframe for the customer to appeal	Ricardo De Souza	Communication via Workflow

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4	6/28/2022	Specify when an internal nonconformity shall be issued for a complaint	Ricardo De Souza	Communication via Workflow
5	3/31/2025	6.1- Addition of various types of complaints 6.1.1-6.1.5 for clarification on processing various types of complaints Throughout updating job titles to align with new structure. Changing “will” to “may” for recording ICARs on complaints against clients. Section 7 – clarified ICAR status for final outcome. Removed Reference to GOP016F001	S. Stephen	Communication via Workflow

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