

## 1 Introduction and scope

An appeal is initiated when all other avenues to resolve a problem have been exhausted. The appellant usually initiates appeals.

An Appeals Panel is convened under the constitution of the Steering Group and is established only when needed and then only for the duration of the appeal.

A new and separate appeal panel is established for each new appeal that is lodged.

Appeals may be lodged when an individual or organisation appeals against a decision made by CIBSE Certification to (this is not an exhaustive list):

- Fail an audit case
- Refuse initial certification or registration
- Revoke certification or registration
- Reduce the scope of certification or registration
- Refuse to renew the certification or registration
- Refuse to extend the scope of certification or registration
- Suspend as the result of an investigation of a complaint either against CIBSE Certification or a certified individual or organisation.

## 2 Making an Appeal Request

The appellant shall submit the request for an appeal to the Head of Certification in writing within 30 days of them becoming aware of the situation that they plan to appeal against.

Note to appellant: By making an appeal you will never be the subject to any discriminatory actions either during submission, investigation or the decision making processes or at any time thereafter.

## 3 Receipt of Appeals

The Head of Certification will immediately inform the Director and the Steering Group Chairman of the receipt of all appeal requests.

When received all appeals are checked against the various CIBSE Certification records to determine the validity i.e.

- Have all other required processes been exhausted?
- Is the appeal about a CIBSE Certification decision or incident that CIBSE Certification can control or influence?

## 4 Validation of Appeals

Appeals, once validated, will be logged on the Complaints register (CCF 408). The register will be checked for any similar past appeals and a decision taken regarding any link or cause and effect that should be accounted for.

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## 5 Investigation of Appeals

All appeals that are valid and properly lodged will be reviewed by an independent appeals panel, see section 6 below.

Under exceptional circumstances, CIBSE Certification may refer an individual complainant direct to EASOB in accordance with the SORs.

For example: Instances where an Energy Assessor has been suspended by one Accreditation Scheme, preventing them from trading and another Accreditation Scheme has considered the evidence believing that there is a compelling case that the individual has been treated in a vindictive or perverse manner by the Accreditation Scheme who suspended them.

## 6 Constitution of the appeals panel

For each new appeal the panel shall consist of 3 people:

- Two members of the Steering Group – one of which will act as Chairman (appointed by the panel itself)
- A lay person with no involvement with the scheme or the appellant

A Secretary for the appeal shall be appointed but shall take no part in the appeal other than to advise the panel on matters of procedure related to the certification scheme, the applicable accreditation standard or legislative matters.

Members of the Appeals Panel shall confirm that they have no recent or ongoing direct commercial interest in the subject of the Appeal or the appellant or their employer.

The Appeals Panel may ask the Head of Certification to attend to present the circumstances surrounding the appeal.

**For LCEAs only the constitution of the Appeals Panel will be referred to MHCLG for approval.**

## 7 Procedure

The Steering Group Chairman and the Head of Certification shall jointly decide which of the Steering Group members should be invited to make up the Appeals Panel.

The Certification Systems Manager shall ensure all necessary arrangements are made for the appeal, such as:

- Agreeing the date and location with the appellant and the appeal panel members. All of whom will be given at least seven days notice of the time and venue of the meeting

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- Ensuring all relevant papers are available to all parties at least seven days prior to the appeal date.

The decision/incident which is being appealed will stand pending the outcome of the appeal.

The Appeals Panel will discuss the appeal in private and will have the opportunity to invite the appellant or CIBSE Certification staff to discuss the matter. The meeting will be confidential, but may be minuted or not at the discretion of the Appeals Panel.

Over the course of an appeal it will be tracked using CCF 408 and actions taken recorded in the corrective action log CCF 388.

## **8 Decision**

The decision of the Appeals Panel will be by a simple majority. The decision as declared by the Appeals Panel chairman shall be final.

The appellant will be informed of the decision in writing (letter, email, fax) but may not always be given the reasons e.g. if confidentiality would be compromised or personal data would have to be divulged.

Appeals outputs and decisions may, when necessary, be fed into the corrective action process to help ensure that there are no further occurrences.

The decision of the Appeals Panel will be final and no other correspondence will be entered into.

## **9 Actions arising**

Where an appeal results in the need for changes to the CIBSE Certification procedures or processes, these will be conducted using the corrective action procedure CCP 110.

## **10 Records**

Records are maintained for each appeal received. All appeals are also logged using CCF 408 Certification Complaints and Appeals log, and may be analysed to help in terms of risk analysis/preventive actions, training needs analysis and other continual improvement initiatives.

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