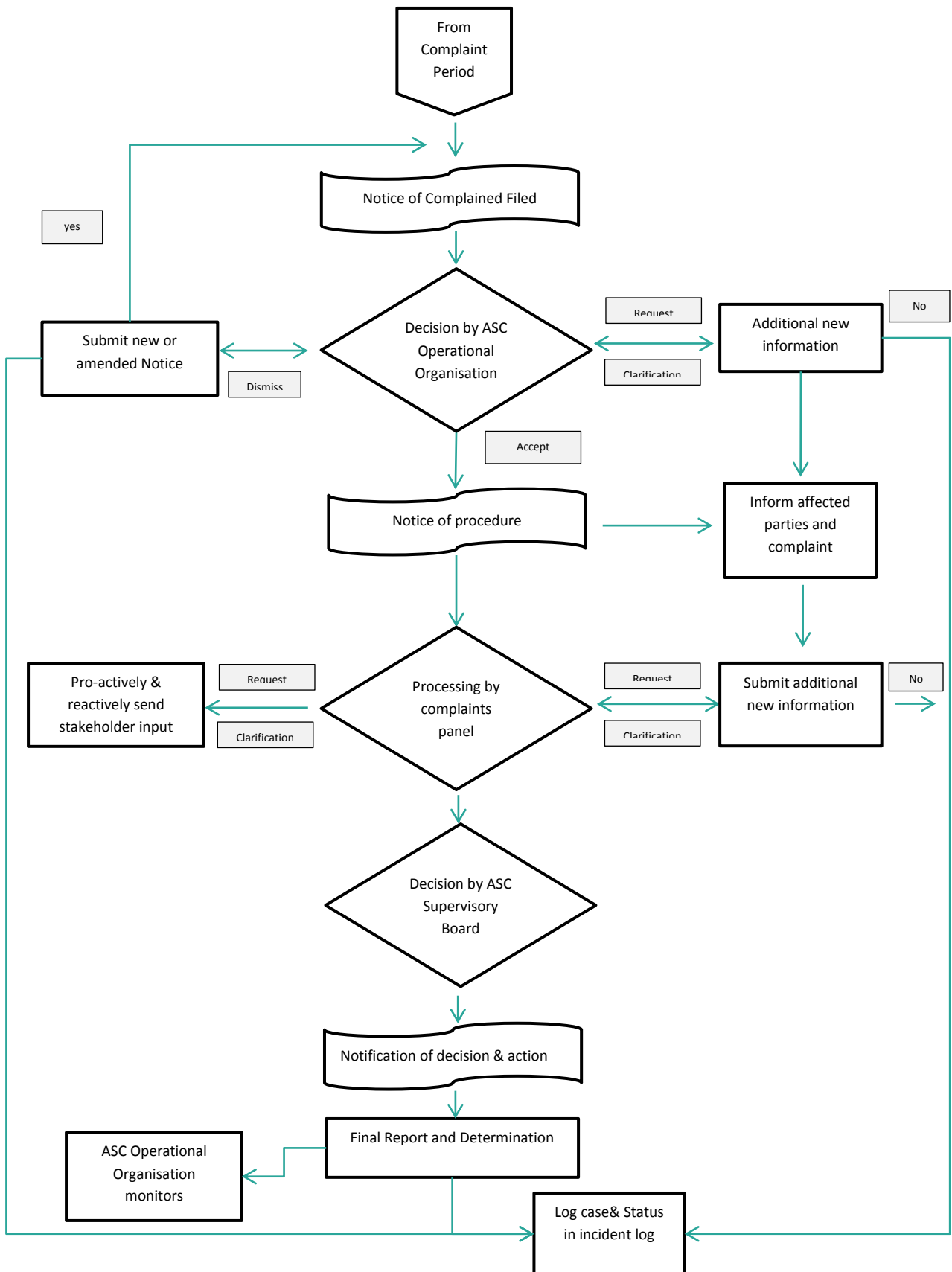




Aquaculture  
Stewardship  
Council

# **DRAFT ASC Complaints Procedure**

# ASC Complaints Procedure Flowchart



<b>Amendments since publication</b>		
<b>Version no.</b>	<b>Date</b>	<b>Description of Amendment(s)</b>
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## Complaints procedure

### 1. Purpose

- 1.1 This procedure sets out the steps to be followed to submit a complaint about activities within the scope of the ASC programme.

### 2. Scope

- 2.1 The ASC will address any formal complaint that is brought to its attention and which meets the requirements as set out in this procedure. A complaint may be from any stakeholder regarding ASC's standard setting activities, other actions or inaction of the ASC or other activities of the ASC.
- 2.2 This procedure does not cover complaints about misuse of the ASC ecolabel. If misuse of the ASC ecolabel is suspected, an email should be sent to: [ecolabel@msc.org](mailto:ecolabel@msc.org).
- 2.3 Any complaint about an applicant/accredited certification body including its farm assessments and certification decisions shall initially be dealt with under the certification body's own complaint procedure or if the CAB was not able to satisfactorily address the grounds of the complaint shall be raised with ASI ([www.accreditation-services.com](http://www.accreditation-services.com)).
- 2.4 Any complaints about Accreditation Services International (ASI) shall be dealt with under ASI complaints procedure; available at [http://www.accreditation-services.com/document\\_management.html](http://www.accreditation-services.com/document_management.html).

### 3. Terms and Definitions

- 3.1 The following abbreviations and definitions are used in this document;

ASC	: Aquaculture Stewardship Council
ASI	: Accreditation Services International GmbH ( <i>overseeing the accreditation of Certification Bodies for ASC</i> )
Certification Body	: An independent organization that performs third-party assessments against ASC's standards resulting in a certification decision

### 4. Associated Documentation

- 4.1 A Template Complaints Form is provided (Annex 1 of this document) that may be used by any complainant.

### 5. Roles and Responsibilities

- 5.1 Figure 1 shows the different roles and responsibilities of: the complainant, the ASC operational organisation, the Complaints Panel and the ASC Supervisory Board.

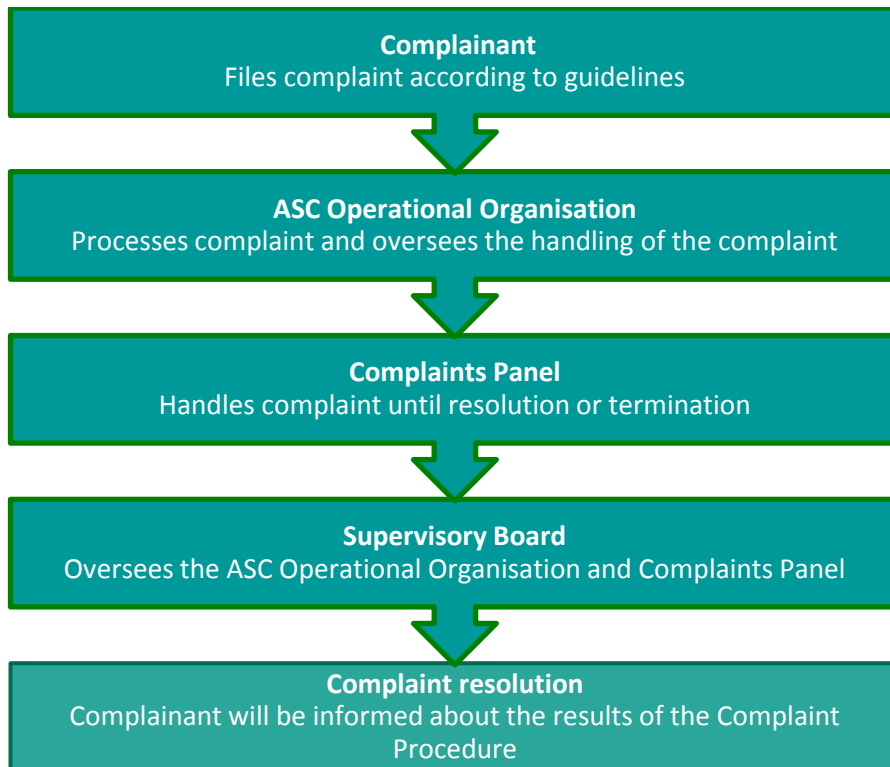


Fig 1. The role and responsibility of the parties involved in the Complaint Procedure Process.

#### 5.1.1 Complainant

Any stakeholder involved in ASC's standard setting activities, impacted by any action or inaction of the ASC or engaged in other activities of the ASC.

#### 5.1.2 ASC operational organisation

The ASC operational organisation is the point of entry for all complaints that meet the requirements set out in this procedure. The operational organisation on receipt of a complaint will acknowledge its receipt to the complaining party, in writing, no later than 5 working days after they have been received. The operational organisation has the right to return incomplete complaints to the submitting party. Such complaints may be re-submitted at the complainant's discretion.

The ASC operational organisation will:

- Receive, acknowledge, and processes the complaint.
- Administer and monitor the handling of all complaints.
- Oversee and execute relevant communications and announcements regarding the complaint.
- Commission a suitable investigator (or investigators if necessary) to review and resolve the complaint. These investigators may be ASC operational organisation's employees, members of the ASC's governance or associated working groups, or external experts. They may support fact-finding, mediation, to inform decisions of the Complaints Panel or other activities considered necessary by the ASC operational organisation to review or resolve a complaint.

### 5.1.3 Complaints Panel

The ASC Complaints Panel will process the complaint and will give recommendations to the Supervisory Board on how to handle the complaint.

The Complaints Panel:

- Handles complaints to stimulate resolution or termination of the complaint.
- Decides on the legitimacy and course of action of the complaint.
- Gives recommendations deducted from the complaint and any further investigation deemed necessary to the Supervisory board.
- May propose any sanction to the ASC Supervisory Board related to the activities resulting in the complaint.
- Shall endeavour to handle all complaints within one month of receiving the complaint from the ASC operational organisation.

### 5.1.4 The ASC Supervisory Board

- Oversees the activities of the ASC operational organisation and the Complaints Panel during the processing of a complaint.
- Takes a decision based on the recommendation as provided by the Complaints Panel. It may decide to take an alternative decision. All decisions will be made public.

## 6. Receiving Complaints

6.1 To be accepted and classified by the ASC as a formal complaint, it shall:

- Use the Complaint form in ANNEX 1 and shall be submitted in writing by email to: [complaints@asc-aqua.org](mailto:complaints@asc-aqua.org)
- or submitted by mail (postal) and using the Complaint form in ANNEX 1 , to:  
**Aquaculture Stewardship Council**  
**P.O. Box 19107**  
**3501 DC Utrecht**  
**The Netherlands**
- State that it is a complaint;
- Be submitted in English.
- Be specific and include appropriate objective justification and evidence to credibly substantiate any claim.

6.2 Upon receipt, the ASC Operational Organisation shall endeavour to verify if the complaint meets the general criteria set out in Section 2 within 5 working days of receipt.

6.3 The ASC may ask for further information to substantiate the information received from the complainant. Unsubstantiated complaints or complaints based upon hearsay will not be accepted by the ASC.

6.4 Once accepted the ASC operational organisation shall report the complaint to the Complaints Panel within 2 days

- 6.5 The complaint shall be acknowledged in writing and the complainant informed whether the complaint has been accepted for investigation or rejected by the Complaint Panel.
- 6.6 If accepted, the complainant shall be informed in writing of the next steps for considering the complaint. If rejected, they shall be informed in writing of the reasons why.
- 6.7 The ASC Complaint Panel shall inform any affected parties against whom the complaint is filed besides the ASC

## 7. Dealing with Complaints

- 7.1 The ASC operational organisation shall allocate an 'investigator' within 10 days of receipt of the complaint to review or resolve a complaint according to the following criteria;
  - 7.1.1 The investigator shall not be directly implicated in the complaint.
  - 7.1.2 A copy of the complaint, with all correspondence, shall be passed to the investigator.
  - 7.1.3 The investigator may contact the complainant to determine the full nature and extent of the complaint and to obtain any additional information from whatever source, including the complainant and other stakeholders, if necessary.
  - 7.1.4 The investigator shall send the complainant an estimated timeframe for dealing with the complaint and keep them informed of the progress of the investigation.
  - 7.1.5 The investigator shall determine whether the complaint has merit or whether the complaint has not borne out as a situation needing corrective actions. Any decisions shall be recorded in the Incident log and passed to the Complaints Panel.
  - 7.1.6 For complaints with merit, the investigator shall determine the cause of the complaint and, after review, shall set up an action plan to correct the cause of the complaint and prevent its reoccurrence. This shall be presented to the Complaints Panel.
- 7.2 The Complaints Panel shall review all findings of the investigator in accordance with the following procedures and criteria.
  - 7.2.1 The Complaints Panel will include the following members:
    - 7.2.1.1 The ASC's Ombudsman as established in the ASC's Whistle Blowing Policy;
    - 7.2.1.2 An investigator; and,
    - 7.2.1.3 Depending on the nature of the complaint, such as a complaint giving rise to a conflict of interest, the Complaints Panel shall appoint a member independent of the ASC.
  - 7.2.2 In the event of a split decision regarding the resolution of the complaint the Ombudsman shall have a casting vote. All such split decisions shall be reported to the ASC's Supervisory Board.
  - 7.2.3 The Complaints Panel shall review the findings of the Investigator and may recommend these in full or partially to the Supervisory Board.
  - 7.2.4 When only partial support for the recommendations of the investigator is given the Complaints Panel may provide further guidance and recommendations to the Supervisory Board.



- 7.2.5 The Complaints Panel shall ensure that the ASC follows the action plan. The ASC Operational Organisation shall verify that the corrective action has been effective and if so, close out the complaint. This shall be recorded in the Complaints file.
- 7.2.6 The Complaints Panel or their delegate shall notify the complainant that the complaint has been addressed and will explain what actions have been taken, within 10 days of the complaint being closed.
- 7.2.7 If the action plan required by the Complaints Panel is not completed, the ASC operational organisation shall report the matter to the Complaints Panel.
- 7.2.8 There is no provision in this procedure for an appeal to the ASC against a decision on a complaint.

----- **End of Complaints Procedure** -----

## ANNEX 1: ASC Complaints Form

### Submission of Complaints

As required in 6.1, all complaints shall be submitted to the ASC using the current version of the form “ASC Notice of complaints Form” as can be found in ANNEX 1 of this procedure.

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#### General

In order to process your dispute efficient and to your satisfaction, please read following carefully:

1. form needs to be filled out in English
  2. all fields with a \* need to be filled in.
- *Disputes filed on hearsay will not be accepted*
  - *In case multiple disputes are filed with the same motivational context, these are considered as 1 dispute and will also so be processed as such*

Send the completed form by:

- email: [complaints@asc-aqua.org](mailto:complaints@asc-aqua.org)
- or mail: **Aquaculture Stewardship Council**  
**P.O. Box 19107**  
**3501 DC Utrecht**  
**The Netherlands**

#### Your Information

<b>Date:</b>	DD/MM/YYYY
<b>First name*:</b>	
<b>Surname*:</b>	
<b>Gender (male/female):</b>	
<b>E-mail address*:</b>	
<b>Telephone number*:</b>	
<b>Mobile number:</b>	
<b>Fax number:</b>	
<b>Organisation:</b>	
<b>Address:</b>	

House number:	
Postal code:	
City/Country:	

<b>List enclosed evidence:</b> <i>(if Applicable)</i>	<ul style="list-style-type: none"><li>- <i>Title(s) document(s)</i></li><li>- <i>Motivation why documents why evidence was added.</i></li></ul>
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### **Your motivation**

*Please enter your dispute motivation in the field below (max. 400 words)*

----- **End of Objections Form** -----