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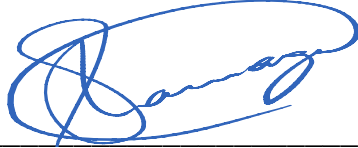
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# COMPLAINTS AND APPEAL PROCEDURE



## CONFIRMATION OF CONSULTATION

I **Tintibane Thamaga** declares that the policy or procedure manual has been communicated to all members for inputs towards the development or review of the CGASA foreign qualification policy. I also declare that consultation with members has been conducted in good faith with all members.



2020/01/15

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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## 1. Introduction

CGASA is committed to providing its members the best possible environment to practice in. CGASA understands that on occasions, there may be instances of dissatisfaction and acknowledges that the cause(s) must be addressed and rectified promptly. The professional body therefore invites feedback from any dissatisfied member of the organisation so that a resolution can be found and as an opportunity to consolidate the feedback into a review and improvement of the CGASA's policies and processes.

CGASA endeavour to address any and all complaints in a fair, constructive and timely manner. The complainant or appellant has the right for their complain or appeal to be heard and for an impartial decision to be made at no cost to themselves. Appellants have the right to appeal any decision they are dissatisfied about. This policy and associated procedure supports CGASA to provide a process for complaints and appeals to be heard and actioned. All complaints and appeals received by CGASA will be viewed as an opportunity for further improvement and review.

## 2. The purpose of the policy

The purpose of this policy is to define the actions to be taken in the event that a complaint or appeal is received from members parties in regards to dissatisfaction with decisions related to for example disciplinary inquiry, or complaint about unfair treatments, poor services, etc.

This policy excludes complaints related to alleged illegal, fraudulent, financial, or regulatory issues, which shall be handled by proper authorities.

## 3. Scope of application

The policy covers two different scopes and types of complaints (defined by CGASA) outlined as follows:

- a) The complaints and appeals addressed to CGASA relating to a certified person or to the certification process, i.e., activities by which a certification body determines that a person fulfils certification requirements, including application, assessment, decision on certification, recertification and use of certificates and logos/marks, and the role of the Appeal Board in reaching a conclusive settlement on account of an appeal. This type of complaints is hereby referred as "**Certification Complaint.**"
- b) The complaints addressed to CGASA relating to overall operations of CGASA, or in other words the expression of dissatisfaction, made to CGASA services, procedures, policies, support, technology, representatives, overall operations, or the complaint handling process itself,

where a response or resolution is explicitly or implicitly expected. This type of complaints is hereby referred as “**Operations Complaint.**”

#### 4. Principles

Fundamental principles that underpins the implementation of this policy:

- Honesty and independence,
- Access to information and all evidence,
- Openness, fairness, transparency and
- Objectivity, and Confidentiality.

#### 5. Abbreviations and meaning

<b>CGASA</b>	<b>Certified Government Accountants of South Africa</b>
<b>Member</b>	<b>A person who belongs to a professional body.</b>
<b>Appeal</b>	<b>Make a serious , urgent or heartfelt request for the reconsideration of a decision which is considered unfair.</b>
<b>Appellant</b>	<b>A person who is dissatisfied about the judgement an outcome rendered</b>
<b>Reaffirm</b>	<b>To confirm the validity of something previously established</b>
<b>Entail</b>	<b>Involve something as a necessary part</b>
<b>Polarity</b>	<b>The state of having two opposites or contradictory tendencies, opinions or aspects.</b>

#### 6. CGA-SA types of decisions

Complainants or Appellants may complain or appeal regarding decisions CGASA takes which are considered unfair or dissatisfying. These decisions may include:

- Decline on the application for registration as a member
- Membership cancelation
- Termination of membership
- Exclusion in the participation of CGASA activities e.g. conferences, seminars, CPD
- Unfair treatments of the member by CGASA,
- Etc.

#### 7. General Appeals or Complaints Rules

- By submitting a complaint or an appeal, any complainant commits to reporting facts completely and truthfully.

- Any complainant who provides any proven false statements will see their entire complaint or appeal terminated.
- Any unsubstantiated elements not supported with real evidences of a complaint or an appeal (hearsay, rumors, unproven accusations, etc.) will not be taken into considerations in any complaint or appeal.
- The Complaint and Appeal Policy does not deal with alleged illegal, financial, or regulatory issues. For any complaint or parts of a complaint related to alleged illegal, financial, or regulatory issues, CGASA will respond by recommending that the complainant reaches the proper authorities and inform them that it will not deal with alleged illegal, financial, or regulatory issues. The only exception to this is if a complainant provides evidence that a legal decision has been rendered and asks CGASA to deal with it.
- The Complaint and Appeal Policy does not deal with issues for which the deadlines to submit complaints and/or an appeals have been reached.
- No complaint can be processed if it is done anonymously, as it must be done and linked to a real person.
- If applicable, all complaints need to be shown to the individuals being complained against so that they can have an opportunity to respond. If the complainant doesn't give the authorization for the complaint to be shown to the person or function being complained against, the complaint cannot be processed.
- Should individuals complain in an excessive or unreasonable manner, e.g., excessive complaints and/or appeals within a short period, repetitive complaints and/or appeals using the same arguments for settled issues, CGASA will not process the complaint and/or an appeal, with prior authorization from the Appeal Committee.

## **8. Steps for lodging a complaint or an appeal**

### **Step 1**

Complaint or Appeal should be emailed directly to the Chairperson of the Board of Directors using the following email address: [departmentalcgas@gmail.com](mailto:departmentalcgas@gmail.com).

The appeal or complaint can also be lodged in the CGASA office by filing the Recommendation, Complaints, Suggestions and Appeal book at the reception upon which the receptionist shall email the Chairperson on the above email address.

### **Step 2**

The Chairperson may:

- Request further details on the complaint or appeal.
- Allow the appellant or complainant to make to him additional or oral presentation on the matter.
- Convene a meeting allowing the appellant or complainant to make further presentation.

- Overturn or uphold the decision the original decision after considering the matter with his committee.
- Respond in writing to the appellant or complainant within seven working days after receipt of the appeal.

### **Step 3**

After the chairperson's response the appellant or complainant can always engage the Chairperson should the response be unsatisfactory.

### **Step 4**

All appeals and complaints must be finalised within 14 days of receipt.

### **Step 5**

Should the complainant or appellants still be dissatisfied by the decisions taken, the complainant or appellant can write to the Chairperson and explain the situation and the Chair will on receipt of such complain address it within 5 days of receipt. Should the matter still be unresolved it will be referred to the meeting of the Board of Directors.

## **9. Steps to chair an appeal hearing/meeting**

Please ensure that all discussions during this process are fair, appropriate and above reproach.

### **9.1 Introduction**

Welcome all attendees.

All attendees are to turn off any electronic devices to avoid unnecessary interruptions during the meeting and no recordings are allowed by CGASA during the appeal process or meeting except with approval of the Chairperson.

Introduce those present and their roles, this may include: board members, HR panel support/note-taker, member[s] of the original panel etc. Advise that any questions, comfort breaks and adjournments requests should be directed at the Chair.

### **9.2 Preliminary Matters**

Confirm that the complaint or appeal hearing/meeting is a result of the decision of a (disciplinary/grievance) panel (providing the date of original hearing/meeting and its outcome), and that the complain or appeal will be heard in line with the relevant procedure.

### **9.3 Polarity Procedure**

If the complainant or appellant is accompanied by someone, confirm the role of the companion, i.e. that they will be able to address the hearing in order to: put the members case forward; sum up the case; respond on the member's behalf to any view expressed at the hearing; and confer with the member. However, the representative will not usually answer questions on behalf of the member, but may do so with the agreement of the committee.

### **9.4 Documentation:**

Confirm the documentation provided, identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes, or any additional information supplied by the appellant.

Advise that it is the member's responsibility to specifically draw the panel's attention to all relevant documentary evidence that should be considered in relation to their grounds for appeal or complaint.

Explain that anything that does not relate to the grounds for complain or appeal or which isn't directly referenced by the employee, will not be taken into consideration for the purpose of this procedure.

### **9.5 Taking of Notes**

Advise that the note-taker will take summary notes to support the panel's consideration. Should the member want a summary of these notes these can be provided on request. Advise that both the member and their representative would be welcome to make their own notes.

Respond to any procedural concerns/queries that may arise.

### **9.6 Running order**

Member will be invited to present their case, during which it would be helpful if they directed the panel to the issues that they would like the Appeal Panel to consider. Where previously agreed with the Chair, witnesses may be called.

The Appeal Panel will ask questions/seek clarification as necessary.

The original hearing/meeting panel member(s) responding to the appeal will be given an opportunity to respond to each of the points raised by the employee and make representation to the panel.

The employee to be given an opportunity to make a closing statement.

The original hearing/meeting panel members will be given same opportunity.

The Panel will adjourn for the Appeal Panel to consider the decision.

## **9.7 Adjournment and decision**

If the panel is unable to make a decision because additional information is required, the member shall be informed accordingly as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail)

Close the hearing, ensuring that everyone understands what is going to happen.

Panel considers the case and makes a decision if not done during an adjournment (Grounds for appeal: upheld, rejected, or require a full or partial rehearing)

The outcome of the appeal hearing should be communicated to the member in writing, within 7 days of the hearing.

## **9.8 Record**

Record summary of the discussions, (including any agreed actions and timescales for improvement etc.).

Ensure that the records are factual and constructive.

Store records securely, as these may be subsequently be required within later procedural stages and shared with all relevant parties.

## **10. Appeal committee**

The appeal committee will be appointed by the Chairperson of the Board of Directors on a case by case basis, depending on the nature of the case and the expertise and experience of the committee members.

## **11. Training**

All committee members must attend mandatory training on processes of appeals and policy issues.

## **12. Reporting**

The committee appointed by the board will report its recommendation to the Exco for approval. This will then be then communicated to the board for noting.

## **13. Monitoring of the policy**

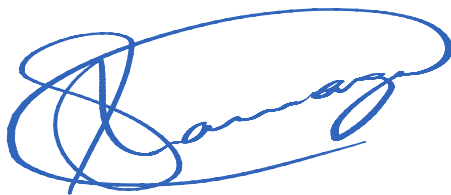
The board of directors shall have the supreme authority to monitor compliance in line with the SAQA and NQF framework.

#### **14. Policy Review**

This policy shall be reviewed whenever a need arises in line with SAQA and the NQF framework.

#### **15. Policy Approval**

**This Policy is approved and signed at Nelspruit on this 15<sup>th</sup> day of January 2020.**

A handwritten signature in blue ink, appearing to be 'D. van der Merwe', written over a horizontal line.

**SIGNATURE**

**CHAIRPERSON - CGASA**