

## **COMPLAINTS AGAINST MEMBER ANALYSTS**

The Council of FOSFA has directed that the Member Analysts Scheme be administered through the Technical Committee and be subject to a complaints procedure in the event of a complaint arising between principals and scheme members.

Complaints Procedure: A complaint must be made in writing, in the first instance, on headed company notepaper by an official representative of the company or organisation initiating the complaint. An urgent complaint may be investigated at once by an independent agent approved by the parties concerned and the facts transmitted to FOSFA.

If the Federation requires it, the Member Analyst shall provide copies of all relevant contractual documents. All complaints will be treated as confidential and the documentation will be kept under conditions of restricted access.

Where a complaint involves analysis or an analytical discrepancy, the complainant must immediately instruct the analyst to send the relevant samples to the Federation's consultant chemist for safekeeping, pending further instructions as to analysis or disposal. In notifying the respondent of the complaint, the Federation will request the respondent to likewise instruct their analyst or superintendent to send their relevant samples to the nominated consultant chemist.

Establishment of a Complaints Panel: A Complaints Panel will be convened and will make its findings known to the Technical Committee, in the first instance, which may then make a recommendation to the Council. A complaint may be dismissed by the Complaints Panel if, in the opinion of the Panel, there is no case to answer. The Panel for each case will comprise of the Chairman and/or Vice Chairman of the Technical Committee, a representative from the section concerned (commercial or technical, who is a member of the Technical Committee) and the Technical Manager.

Time Limits: As a guide, there are time limits for lodging a complaint. Parties making a complaint have 28 days from the arrival of the shipment to make an initial complaint and 40 days to provide the Federation with complete case details. The Federation will inform the respondent member as soon as the initial complaint has been received. The respondent member will have 40 days to provide a full written response from the date of receiving the complaint.

Treatment of Complaints - Malaysia: Special arrangements have been developed with the MPOB, whereby they will be invited to assist the Federation's investigation process should a complaint arise against one of their licensed analysts.