



RESPONSIBLE  
JEWELLERY  
COUNCIL

# Complaints Mechanism

VERSION 2.0 DECEMBER 2020

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# OVERVIEW

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## A1: Purpose and scope

The RJC aims to ensure the fair, timely, and objective resolution of complaints relating to potential non-conformance with the RJC certification and assurance system or with its conduct in relation to governance and policies. This document sets out the RJC Complaints Mechanism.

It is a condition of participation in RJC activities for RJC Members and Accredited Auditors to submit to the complaints procedure outlined in this document, and to be bound by the decisions of the RJC. The RJC's Articles of Association, section 3.13, describe the disciplinary proceedings which may result in loss of RJC Membership, which are available at [www.responsiblejewellery.com/about/governance/](http://www.responsiblejewellery.com/about/governance/)

This complaints procedure does not replace or limit access to legal remedies. The RJC also requires members and accredited audit firms to have their own complaints mechanism and dispute resolution procedures. The requirements for these mechanisms are established in COP 2019 provision 18.4 for members, and section 9.8 of ISO 17021-1:2015.

Feedback and suggestions for improvements to the RJC standards, accompanying guidance, or assurance system are welcome and should be provided directly to the RJC management team to [consultation@responsiblejewellery.com](mailto:consultation@responsiblejewellery.com) for standards or [accreditation@responsiblejewellery.com](mailto:accreditation@responsiblejewellery.com) for assurance.

## A.2: Terms and definitions

Appeal	A formal procedure commenced by a Complainant in the prescribed form, which seeks to challenge a prior determination by the RJC of a Complaint.
Complaint	A formal expression of dissatisfaction made by a Complainant to the RJC in the prescribed form relating, but not exclusively, to: <ul style="list-style-type: none"><li>• Certification status of a Member;</li><li>• Accreditation status of an Auditor or Audit Firm (CAB);</li><li>• Conduct of Members or Auditors during verification assessments or the Auditor's recommendation for/against certification to the RJC;</li><li>• Conduct of the RJC during Auditor accreditation;</li><li>• Conduct of the RJC with regards to its governance and policies.</li><li>• A finding made by the RJC's appointed oversight body with regards to an accredited CAB.</li></ul>
Complainant	Member, employee of a Member, Auditor or third party which the RJC determines has a relevant and sufficient interest in Member Certification under the Code of practices or Chain of Custody Certification.
Respondent	RJC, Member, CAB, or Auditor against whom a Complaint is lodged.

### A3: Who can complain?

Complaints will be accepted from:

- RJC Members and/or their employees;
- Accredited Conformity Assessment Bodies (CABs) and/or auditors;
- Third parties with a material interest in the Member Certification under the Code of Practices (COP), or Chain of Custody (CoC) Certification, such as community groups, non-government organisations, retailers, trade unions, or those with explicit authority to represent a Complainant.
- Information received by RJC may trigger a complaint where evidence is identified or provided that could bring the RJC into disrepute.

Please note that the RJC’s Disciplinary Proceedings may be triggered without an active complaint, where known misconduct has been identified or raised (refer to section 5.2 Disciplinary Proceedings in the RJC Assessment Manual 2020).

### A4: Prior participation

Whistleblowing situations exempt, prior to submitting a complaint via the RJC procedure, complainants are encouraged to make all reasonable attempts to resolve their complaint at the lowest, most appropriate level. Wherever possible, this includes raising the complaint directly with the person/organisation subject to the complaint and giving the respondent an opportunity to respond and/or rectify the situation.

TOPIC OF COMPLAINT – EXAMPLES	PRIOR PARTICIPATION OPTIONS
<b>Conduct of Auditor:</b> for example, alleged poor competence or conduct during an audit.	Raise complaint with an Accredited Conformity Assessment Body, of which the Auditor is an employee or contractor.
<b>Conduct of an employee of a Member:</b> for example, during audit process or in general interactions with other parties.	Raise incident directly with Member organisation first to give opportunity to clarify and/or rectify.
<b>Certification status of a Member or entity under the Control of a Member:</b> for example, alleged non- conformance with the COP or the CoC standard, or inadequate implementation of corrective action plans.	If appropriate, raise issue directly with Member organisation first to give opportunity to clarify and/or rectify.

### A5: Submission of complaints:

How to submit a complaint:

- Complaints must be submitted in writing using the RJC complaints form – see section B page 14.
  - in hard copy addressed to: Assurance Manager, Responsible Jewellery Council, Second Floor, Quality House, 5-9 Quality Court, Chancery Lane, London WC2A 1HP
  - by email addressed to: [complaints@responsiblejewellery.com](mailto:complaints@responsiblejewellery.com)
- Initial telephone inquiries can be made to seek guidance on the submission of a complaint, this can be done anonymously.
  - by telephone on **+44 (0)207 321 0992**

- Unless otherwise agreed by the RJC, Complaints and supporting documentation must be submitted in English. Where original supporting documents are expressed in a language other than English, Complainants must submit the original documents and official translations into English. The costs of translations will be met by the Complainant.
- Copies of any original documents, not the originals, should be submitted.
- Non-confidential versions of documents are requested where possible, to assist the RJC to provide the Respondent with relevant details of the Complaint.

## A6: Supporting evidence

To be considered, complaints must usually be submitted with supporting evidence. This includes credible information, records, observations, personal knowledge and/or statements of fact, which can be qualitative or quantitative. Where a complaint relates to a Member's conformity to the COP or CoC standards, the complaint must reference the relevant provisions of the COP or CoC standard.

Through the admissibility procedure – see section A11 below – the RJC will determine whether the complaint is credible.

## A7: Confidentiality and Anti-Trust policies

The RJC will keep the existence of specific complaints and all proceedings of the complaints process confidential. The RJC reserves its right to publicly report, anonymously and in aggregate, on the complaints received and how they were resolved.

The RJC is committed to complying with all relevant antitrust and competition laws and regulations and, to that end, has adopted an **Anti-trust policy** and a **Confidentiality policy** (available at [www.responsiblejewellery.com/about/policies/](http://www.responsiblejewellery.com/about/policies/))

## A8: Possible outcomes of the Complaints Mechanism

In general terms, there are two possible outcomes at the initial phase of the complaints process:

1. The complaint will not be admitted either because it does not meet the admissibility criteria (table 1) or may be dismissed because it is out of scope (see step 1 below).
2. The complaint will be admitted, and the course of action may involve any of the following:
  - The matter may be flagged for the next scheduled audit;
  - Corrective actions may be undertaken by the Respondent;
  - Disciplinary proceedings may be initiated and sanctions may be applied;
  - An ad hoc investigative audit may be requested by the RJC (performed by an independent third party, appointed by the RJC, the costs of which will be met in accordance with section A.9)

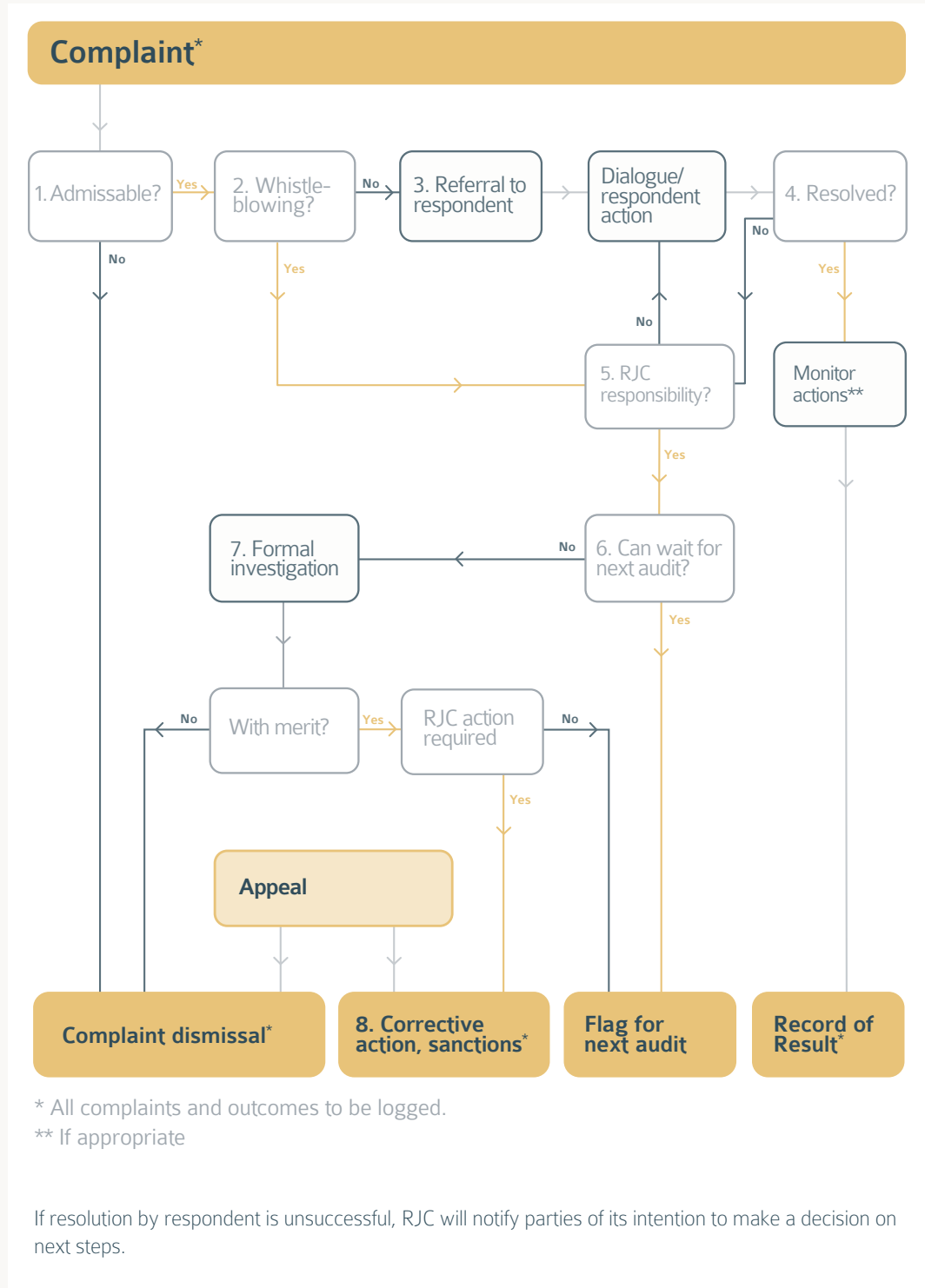
## A9: Costs

The RJC aims to minimize the costs of the complaints process for all parties. Where a formal investigation is contemplated or initiated, parties to the complaint will need to agree on the sharing of costs. An equal sharing of costs should be the starting point for negotiation, or otherwise at the RJC's discretion. RJC will generally waive the costs of complaints or appeals process in the case of individual whistleblowers, unless the complaint is found to be disingenuous.

## A.10: Complaints Flowchart

The RJC Complaints Mechanism can deal with complaints via a process of dialogue, and/or via formal investigation.

Figure 1 is a flowchart providing an overview of the processes for dealing with complaints. Each of the numbered boxes is explained further in section A.11





## A.11: Flowchart steps

This section describes the steps illustrated above. Please note that complaints may not necessarily be subject to all 10 steps, and may conclude earlier.

### STEP 1: ADMISSIBILITY

To be admissible, a complaint must fall within the scope of the RJC Complaints Mechanism.

The RJC Complaints Mechanism relates to (potential) non-conformance with the RJC's certification or assurance systems or with its conduct in relation to governance and policies. Admissible complaints therefore include:

- Certification status of a Member or entity under the Control of a Member;
- Accreditation status of an Auditor or Conformity Assessment Body (CAB);
- Conduct of Members, entities or Auditors during audits or the Auditor's recommendation for/against certification by the RJC;
- Conduct of the RJC with respect to Auditor accreditation;
- Conduct of the RJC with respect to its governance process and policies.
- A finding made by the RJC's appointed oversight body with regards to an accredited CAB.

#### Out of scope:

The following types of complaints fall outside the scope of the RJC Complaints Mechanism and are not admissible:

- Complaints from interested parties concerning private disputes between them (or those they represent) and Members and/or Auditors, where the disputes do not explicitly relate to RJC certification and/or accreditation status.
- Complaints that are trivial, vexatious or appear to have been generated to gain competitive advantage.
- Complaints that are not supported by compelling, objective evidence. Where no or insufficient evidence is considered to have been submitted, RJC will request further information. Where no information is received within 30 days of RJC's request, the complaint will be dismissed.
- Anonymous complaints, unless they relate to a whistleblowing situation.
- If there are judicial proceedings in progress or pending.

Regardless of the admissibility, all complaints received by the RJC and their progress are recorded in the RJC's Complaints Register. Complaints are first assessed for admissibility by the RJC Assurance Manager and categorised in accordance with the criteria described below. Once categorised, the complaints are treated as follows:

- Level (category) 1: dismissed
- Level (category) 2: admissible

The admissibility of complaints will be communicated to the complainant within 15 working days of receipt.

**Table 1: Criteria for Admissibility**

CRITERIA	COMPLAINT LEVEL 1	LEVEL 2
Origin of complaint	Not verifiable, without veracity	Verifiable and holds veracity
Reporting timeframe	More than one year after incident	Within one year of incident
Supporting evidence	None	Provided and sufficient
Relation to the scope of the RJC Complaints Mechanism	Out of scope	In scope
Relation to a current RJC Member	No - Complaints against a non-member/no longer a member	Yes
Relates to COP or COC conformity, existence of a valid RJC certificate	No	Yes
Relation to a current RJC accredited CAB or Auditor	Not accredited/not currently accredited	Yes

## STEP 2: WHISTLEBLOWING

A whistleblower is a person who alleges misconduct, usually within their own organisation. Where these allegations are admissible as complaints under the RJC Complaints Mechanism, they can be submitted by employees of Members, Auditors or the RJC. Whistleblowing complaints can be submitted anonymously, in which case a code name will be assigned by RJC or must be provided by the Complainant.

Any Complainant, making a complaint by telephone, on explaining that they wish to report what they reasonably believe to be a wrongful act, will be asked if they wish the call to be handled anonymously. The Complainant raising the concern need not disclose their identity if they choose to maintain their anonymity. Where the individual raising the concern identifies themselves, their identity will not be further disclosed to persons dealing with the complaint without the individual's consent. The individual may upon raising a concern leave a code name, rather than disclosing their identity, in order to facilitate follow up calls whilst maintaining anonymity.

All concerns will be treated in confidence. The matter will not be disclosed unless it is necessary for the investigation, or the person raising the concern agrees to the matter being so disclosed. The RJC will not take any action in retaliation in any way or otherwise discriminate against any person who lawfully provides information. Research findings and investigation outcomes – where conducted – will be provided by the Executive Director or an office bearer of the Council to a Complaints panel (see flowchart step 7) for review.

The reports will be passed to the RJC Executive Director or an office bearer of the Council, such as the Assurance Manager who will then record and start the Complaints Mechanism steps.

### STEP 3: REFERRAL TO RESPONDENT

Whistleblowing cases exempt, the RJC will forward non-confidential versions of complaints it receives to appropriate contacts at the Respondent. This provides for an informal process that emphasises dialogue between the parties and/or resolution by the respondent, with the RJC playing a facilitative role if appropriate. Alternative dispute resolution mechanisms can also be employed, where allocation of costs can be agreed between the parties.

Conformity Assessment Bodies' internal systems, supported by ISO 17021, should serve to address the majority of complaints about auditors and audit results, without the need for the RJC to become actively involved.

### STEP 4: EARLY STAGE RESOLUTION

The complaint may be resolved through the dialogue process itself, or a resulting agreement reached as to specific outcomes such as remedial or corrective action. Where agreed resolutions are required, progress will be monitored by the Assurance Manager and the complaint closed upon effective implementation. Where actions are required and not implemented effectively within agreed timeframes, the Disciplinary Proceedings will be triggered. Refer to Appendix 2 in the Assessment Manual for a corrective action plan template.

Complaints that have not been resolved by a process of dialogue and/or respondent action, will be referred back to the RJC Assurance Manager for a determination of RJC's responsibility for further, formal processes to progress resolution of the complaint, including requests for further information. At this stage, the complaint will be escalated and reviewed with the Executive Director.

### STEP 5: DETERMINING RJC RESPONSIBILITY

If the complaint is not resolved, the RJC may take further action on unresolved complaints that relate to areas of RJC responsibility:

- Auditor or Conformity Assessment Body Accreditation
- RJC Membership
- RJC Certification

The failure of respondents to adequately resolve complaints may trigger further action by the RJC. Unresolved complaints that fall outside of RJC's responsibility may be referred back to the parties for further dialogue, facilitated by third parties as appropriate. If a subsequent cycle of dialogue or action by the respondent is unsuccessful, RJC will notify parties of its intention to make a decision regarding next steps.

### STEP 6: ESTABLISHING NEXT STEPS

At this stage, the RJC will determine which next steps to follow, which will generally take one of the following:

- Flagged with the member's accredited audit firm for the next scheduled audit;
- Corrective actions to be implemented by the Respondent;
- Disciplinary Proceedings triggered and sanctions may be applied; or
- An ad hoc investigative audit, which may be unannounced.

The complaints process is not intended to function as a surrogate audit. Complaints about a Member's certification status that do not relate to critical breaches of the RJC COP or CoC standards, are likely to be flagged for the next audit cycle or may be managed entirely by the RJC. These include:

- Potential Minor or Major non-conformances with the COP or the CoC standard; or
- Matters that can be, or are being, addressed through corrective action by the respondent.

Complaints that will trigger the disciplinary proceedings and/or formal investigation include:

- Based on known misconduct or critical breaches;
- Failure by a Respondent to try to resolve the matter in good faith;
- Breach of contract by an accredited CAB;
- Whistleblowing; or
- Any other matter that the Council may deem substantive and applicable.

### STEP 7: FORMAL INVESTIGATION

Where triggered, formal investigation will be conducted following these stages:

- The Executive Director appoints a complaints panel, comprised of the RJC Assurance Manager and an independent third party (further parties may be appointed if deemed necessary).
- The panel conducts an investigation, making full use of all available information that can be gathered remotely.
- An onsite investigative audit may be necessary to collect further information.
- An investigation report will be produced, that determines whether the complaint can be upheld, and has a clear recommendation for action.

### STEPS 8+9: INVESTIGATION OUTCOMES

The investigation report will first be presented to the Executive Director, where the recommendation for action is discussed and agreed prior to presenting to the Assurance Committee. The outcome of the investigation will be to either (1) uphold the complaint, or (2) dismiss the complaint.

Where the investigation does not uphold the complaint, the respondent and complainant will be notified that the complaint is closed.

Where the complaint is upheld, the panel will recommend one of the following actions:

- Requirement for corrective action plans
- Suspension or withdrawal of certification
- Temporary or permanent loss of RJC Membership
- Suspension or withdrawal of accreditation (auditors and/or CABs)
- Requirement for further audit to investigate and/or follow up on corrective actions

The RJC will act on the Assurance Committee's decision with regards to the recommendation and communicate the decision to the complainant and respondent. All corrective actions, where required, will be monitored for progress and effectiveness by the Assurance Manager, escalating to the Executive Director where necessary. Failure to implement corrective actions will trigger the RJC's Disciplinary Proceedings (as detailed in section 5.2 of the Assessment Manual).

If the complaint involves whistleblowing against the RJC, an independent expert will be responsible for the investigation and for determining any actions to be undertaken. The responsible person may appoint an ad hoc panel (excluding RJC staff or officers where appropriate) to conduct the investigation and make recommendations.

## STEP 10: APPEAL

Members, CABs and auditors have the right to appeal loss of RJC Membership or RJC Accreditation within three months of notification of the relevant decision. Section 3.18 in the RJC's Articles of Association makes provisions for appeals to be heard under the rules of arbitration of the Chartered Institute of Arbitrators (UK), by an arbitrator appointed by its president. The costs of an appeal will be shared equally between the appellant and the RJC. Section 7.1 in the Accreditation Process and Criteria details the process for suspension and withdrawal of accreditation.

Other outcomes of the complaints process can also be appealed within three months of notification of the relevant decision, where there is:

- A lack of due process in the complaint process;
- Failure to consider significant evidence.

Appeals will be heard via reconsideration of the complaint in a formal investigation process under a different panel. The costs of the reconsideration will be shared equally between the appellant and the RJC.

### A.12: Timeframes

- Acknowledgment of receipt of a complaint: 5 working days from date of receipt
- Initial assessment of admissibility: 15 working days from date of receipt
- Request for additional information: 20 working days from date of receipt
- Re-assessment of admissibility (in case additional information provided): 10 working days from date of receipt of additional information
- Completion of the investigation is dependent on the circumstances.

### A.13: Complaints Register

All complaints received by the RJC, supporting documents and the complaints progress and outcomes via the complaints mechanism, will be recorded in the Complaints Register. The register will be maintained by the RJC for each specific complaint for a period of 5 years from the date of reporting/from the date the complaint is concluded and/or deemed closed.

# RJC COMPLAINTS FORM

## (PUBLICLY AVAILABLE)

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### **B.1: Submitting a complaint**

To submit a complaint, please fill out this form and send it by post, email or fax to:

**Post:** RJC Assurance Manager,  
Responsible Jewellery Council,  
Second Floor Quality House,  
5-9 Quality Court,  
Chancery Lane,  
London WC2A 1HP

**Email:** [complaints@responsiblejewellery.com](mailto:complaints@responsiblejewellery.com)

**Telephone:** +44 (0)20 7321 0992 (for information)

### **B.2: Responsibilities of parties**

Complaints will be dealt with in accordance with the RJC Complaints Mechanism.

**Disclaimer:** All parties to a complaint acknowledge and agree to hold the RJC harmless in connection with resolution of any complaint pursuant to this procedure.

### **B.3: Admissibility**

Refer to Step 1 on page 9 above for details on how RJC classifies admissible complaints, and the process followed.

## B.4: Identification of Parties

### PARTIES

**Complainant:**  
(the person or organisation raising the complaint)

**Respondant:**  
(the party who is the subject of the complaint)

**RJC Member and/or Facility to which this complaint relates**  
(if applicable)

**Name of Auditor/s to which this complaint relates**  
(if applicable)

### CONTACT DETAILS FOR COMPLAINANT

**Organisation(s)**

**Contact person**

**Position/role**

**Address**

**Phone number**  
(including country code)

**Fax number**  
(including country code)

**Email address**

### COMPLAINANT'S CREDENTIALS

Please state your interest in the Member, Auditor, and/or other subject matter of the complaint.

Please acknowledge that you are authorised to make this submission on the above named organisations' behalf. (NOTE: Whistleblowing situations exempt.)

Signed:..... Dated: .....

## B.5: Background Information

ISSUES	SEE DOCUMENT(S)	WEBSITE
Certification status of a Member or entity under the Control of a Member	<ul style="list-style-type: none"> <li>• Code of Practice (COP)</li> <li>• CoC standard</li> <li>• Membership agreement</li> </ul>	<a href="https://www.responsiblejewellery.com/membership/search-the-rjc-membership-register/">https://www.responsiblejewellery.com/membership/search-the-rjc-membership-register/</a>
Accreditation status of an Auditor or CAB	<ul style="list-style-type: none"> <li>• RJC Accreditation Process and Criteria</li> </ul>	<a href="https://www.responsiblejewellery.com/auditors/find-an-auditor/">https://www.responsiblejewellery.com/auditors/find-an-auditor/</a>  <a href="https://www.responsiblejewellery.com/wp-content/uploads/RJC-Auditor-Accreditation-Criteria-2019-1.pdf">https://www.responsiblejewellery.com/wp-content/uploads/RJC-Auditor-Accreditation-Criteria-2019-1.pdf</a>
Conduct of Audits	<ul style="list-style-type: none"> <li>• RJC Assessment Manual</li> </ul>	<a href="https://www.responsiblejewellery.com/standards/assurance/">https://www.responsiblejewellery.com/standards/assurance/</a>
RJC Governance and policies	<ul style="list-style-type: none"> <li>• Articles of Association</li> <li>• Policies</li> </ul>	<a href="https://www.responsiblejewellery.com/about/policies/">https://www.responsiblejewellery.com/about/policies/</a>

## B.6: Complaint

### a. Focus of complaint (please mark boxes as appropriate):

- Certification status of a Member; Accreditation status of an Auditor or CAB;  
 Conduct of Members or Auditors during verification assessments or the Auditor's recommendation for/against certification to the RJC;  
 Conduct of the RJC during Auditor accreditation;  
 Conduct of the RJC with regards to its governance, policies and procedures.  
 A finding made by the RJC's appointed oversight body with regards to an accredited CAB.  
 Other

### b. Have you sought to resolve the matter directly with the respondent? (If yes, please provide details).



c. What remedy is being sought in your complaint?

d. Please summarise your complaint below, referring to attachments and using additional pages where appropriate.

Additional documentation such as published reports, guidance documents, witness statements, photographs or other materials which substantiate the allegations should be provided wherever possible.

- Do not send original documents, submit copies only.
- Non-confidential versions of documents are requested, to assist the RJC to provide the Respondent with relevant details of the Complaint.



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Second Floor, Quality House, 5-9 Quality Court,  
Chancery Lane, London, WC2A 1HP.

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