



Challenges and Appeals Procedure

Doc. code	QP/CAP
Revision No.	02
Issue Date	01-08-2022

Challenges and Appeals procedure

1. Purpose

The purpose of this procedure is to describe the process followed by FIDIC Credentialling Limited (FCL) to receive, evaluate, validate, and make decisions on challenges and appeals from applicants, candidates and certificants.

2. Scope

This procedure covers all challenges and appeals received in writing by FCL. It applies to candidates who have been informed by FCL that they have been unsuccessful in either being accepted to participate in a certification programme assessment, in achieving their certification, or whose certifications have been suspended or withdrawn, and who want to make a formal appeal against that decision.

3. Grounds of Appeal

An appeal can be made on one or more of the following grounds:

- 3.1. administrative error in the application process.
- 3.2. procedural irregularity or error in the conduct of the examination or assessment.
- 3.3. unforeseen event or circumstance beyond the candidate's control which occurred during the examination/assessment that impacted the candidates' results.
- 3.4. procedural irregularity or error during monitoring that caused suspension or withdrawal of certification.
- 3.5. unforeseen event or circumstance beyond the certificate holder's control which occurred during monitoring.

4. Responsibility

- 4.1. The FCL Management Team is responsible for receiving all written appeals and for communicating with the applicant or candidate submitting an appeal.
- 4.2. FCL Challenges and Appeals committee is responsible for setting up the appeal panel to review and make a decision on an appeal.

5. Description of submitting an Appeal

- 5.1. Candidates considering an appeal should email the FCL Management Team at fcl@fidic.org about their intention to submit an appeal, within **one calendar month** of receiving the decision on their application or the results of the relevant assessment or the decision for the suspension or withdrawal of their certification.
- 5.2. The FCL Management Team verifies and provides them with a response on the process following the decision related to their application, certification or monitoring. Details of the marking scheme, correct answers and marking reports of the examiners are not shared with the candidates. If the FCL Management Team is satisfied that there was an administrative error in the process, it may, with the approval from the relevant committee, correct that error and notify the candidate accordingly.
- 5.3. If the candidates are not satisfied with this response, they are entitled to proceed with an appeal.

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- 5.4. The FCL Management Team will invite them to submit an appeal letter in writing, and where appropriate, with supporting documentation to fcl@fidic.org.
- 5.5. The appeal letter **must** indicate on which of the grounds (see section 3) in this procedure the appeal is based. This must be done within 15 calendar days from the response under clause 5.2.
- 5.6. Candidates will be required to pay an administrative appeal fee of 500 CHF **within 5 working days** from the date they receive the notification of payment through the ATS system for processing the payment. The notification of payment of the administrative appeal fee will be issued up to 5 working days of the receipt of the appeal letter (see sections 5.4 and 5.5). **No appeal will be considered unless payment is received by FCL.**
- 5.7. The appeal fee will be refunded should the appeal be upheld or successful.
- 5.8. FCL Management Team will acknowledge receipt of the appeal and payment within 10 working days.

6. Evaluation of the Appeal

- 6.1. FCL Management Team informs all members of the FCL Challenges and Appeals committee that an appeal has been received, the certification programme & examination session which the candidate participated in and requests are made for the members to declare any conflicts of interest with the candidate, and confirmation that they have not been directly involved in the assessment of the candidate. Members' availability to participate in the appeal panel is also established.
- 6.2. If the Chair has a conflict of interest, then the Vice-Chair will be appointed to chair the appeal. If the Vice-Chair is also conflicted, a member of the Challenges and Appeals Committee will chair.
- 6.3. The Chair appoints a 3-member Appeal Panel, based on the available members in section 6.1 for this procedure.
- 6.4. The Chair may appoint a legal advisor to observe and advise the members of the Appeal Panel on the appeal process.
- 6.5. If all the members of the Challenges and Appeals committee are conflicted and not able to form a 3-member Appeal Panel, the Chair may appoint external members, who are qualified to handle the appeal. These external members can be members of the FCL Management board, or FCL Certification board, or any individual(s) the FCL Management board identifies as being suitable for the role.
- 6.6. When the Appeal Panel is formed, the Chair of the Challenges and Appeals committee informs the FCL Management Team of the composition of the Appeal Panel.
- 6.7. The members of the Appeal Panel decide who will act as a main point of contact with the FCL Management Team for the case.
- 6.8. FCL Management Team creates a dossier for the appeal. The dossier includes all relevant documentation relating to the case. This may include and is not limited to:
 - 6.8.1. Candidate's application and submitted documentation
 - 6.8.2. Candidate's answer sheets
 - 6.8.3. Marking reports from the examiners
 - 6.8.4. Marking scheme used by the examiners
 - 6.8.5. Any other information that will be useful for the review of the appeal by the Appeal Panel in a constructive, impartial, and timely manner.
- 6.9. The appeal dossier is shared with the members of the Appeal Panel.

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- 6.10. The Appeal Panel may request clarification or further documentation from the FCL Management Team or the candidate, all within a reasonable timeframe.
- 6.11. The Appeal Panel may examine the appeal either via correspondence or by conveying a meeting.
- 6.12. It may be possible to make a decision based on the paperwork alone. The Appeal Panel may also decide to interview the candidate if deemed necessary.

7. Decision on the Appeal

- 7.1. Candidates should expect an appeal decision within two calendar months of FCL receiving payment of the appeal fee. The Appeal Panel may extend the timeframe for making the decision by further 45 calendar days which is notified to the candidate.
- 7.2. The Appeal Panel can make one of the three decisions stated below:
 - 7.2.1. Reject the appeal and uphold the decision relating to their application or certification.
 - 7.2.2. Reject the appeal and recommend actions based on extenuating circumstances.
 - 7.2.3. Uphold the appeal and recommend the candidate participate in the programme or an award of certification or revoke the decision for the withdrawal of their certification.
- 7.3. The Appeal decision may be unanimous or taken by simple majority.
- 7.4. Once the members of the Appeal Panel conclude their decision, they may create an appeal summary which will be shared with the FCL Management Team and the FCL Challenges and Appeals committee. This summary may include:
 - 7.4.1. The composition of the Appeal Panel
 - 7.4.2. The candidate's name
 - 7.4.3. The name of the candidate's certification programme
 - 7.4.4. The procedure for reviewing the case
 - 7.4.5. The information/documentation that was reviewed
 - 7.4.6. The summary of their recommendation on each of the submitted grounds of the appeal
 - 7.4.7. The Appeal Panel's decision
 - 7.4.8. If applicable, suggest appropriate corrections and corrective actions to be taken by FCL
 - 7.4.9. Name and signature of the member of the Appeal Panel who acts as the main point of contact with the FCL Management Team for the case
 - 7.4.10. Date and place of the decision.
- 7.5. The Appeal Panel creates the Appeal report with the decision on the appeal to be shared with the candidate, the Challenges and Appeals committee and the FCL Management Team. The report may include:
 - 7.5.1. The candidate's name
 - 7.5.2. The name of the candidate's certification programme
 - 7.5.3. The candidate's exam session
 - 7.5.4. The information/documentation that was reviewed
 - 7.5.5. The grounds of the appeal
 - 7.5.6. The reasons for the decision
 - 7.5.7. The decision
 - 7.5.8. The final and binding nature of the decision.

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7.5.9. Name and signature of the Chair of the Appeal Panel or the appointed point of contact of the Appeal Panel

7.5.10. Date and place of the decision

7.6. FCL Management Team informs the candidate via email about the result of their appeal by sharing the Appeal report within 5 working days of the receipt of the report from the Appeals Panel.

7.7. The decision of the Appeal Panel is final and binding. Candidates are not entitled to file a second appeal on the same case or on the outcome of the appeal.

8. Records

8.1. The FCL Management Team keeps an appeal log for all the appeals submitted.

8.2. The FCL Management Team keeps all the records and documentation of each appeal case for 10 years.

9. References

9.1. ISO 17024:2012, clause 9.8

9.2. FCL Manual and Handbook.

10. Exhibits/Files

10.1. FCL Appeal summary template

10.2. FCL Appeal report template

10.3. FCL Appeal log template.

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