



P 07-02 DRAFT

MANAGEMENT OF IMPARTIALITY

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1. Purpose and Scope

This document defines how SANAS will ensure that the impartiality and objectivity of its accreditation processes and activities are safeguarded.

The document is applicable to all operations of SANAS and to all staff members, assessors, experts, related bodies and interested parties.

2. Definitions and References

2.1 References

PM	SANAS Policy Manual
A 01	References, Acronyms and Definitions
P 12	Handling of Complaints and Appeals
P 19	Terms of reference, registration and responsibilities of specialist technical committees
P 20	The responsibilities and duties of the approval committees and accreditation managers in the approval and decision on accreditation

ISO/IEC 17011 Reference: 4.3

2.2 Definitions

Impartiality: means the presence of objectivity, i.e. to be fair and unbiased, making decisions based on objective criteria, and without benefitting one person over another for improper reasons.

Note: Other terms useful in conveying the element of impartiality include "independence", "freedom from conflicts of interest", "freedom from bias", "lack of prejudice", "neutrality", "fairness", "open-mindedness", "even-handedness", "detachment", "balance".

Objectivity: means being true even outside of ones biases, interpretations, feelings, and imaginings by relying on verifiable data.

Transparency: implies openness, communication, and accountability. It means operating in such a way that it is easy for others to see what actions are performed.

Independence: the freedom from the control, influence, support, aid, or the like, of others.

Conflict of Interest: means a situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest.

Related Body: A separate legal entity that is linked by common ownership or contractual arrangements to SANAS. Any governmental bodies or entities outside of SANAS are also considered to be related bodies.

3. General

SANAS undertakes to instill confidence in the integrity of its accreditation services to clients and stakeholders who have an interest in accreditation and shall achieve this by taking responsibility for its accreditation activities and applying its services in a manner that aims to ensure impartiality and objectivity of all its operations and activities. SANAS shall not allow commercial, financial or other pressures to compromise impartiality. This is crucial to safeguarding the integrity of SANAS' operations and decision-making.

SANAS's top management's commitment to impartiality is evidence in the Impartiality Statement, as published in the SANAS Policy Manual, and available on the SANAS website at www.sanas.co.za.

4. Responsibility

All permanent and contracted personnel shall avoid situations where a threat to impartiality or objectivity arises, or where potential conflict of interest could exist, or be seen to exist.

5. Procedures

5.1 Impartiality and objectivity in SANAS' activities are assured at the organizational and personal level.

5.2 SANAS recognises the possibilities for conflicts of interests arising from relationships with persons, organisations and related bodies having an interface with SANAS. SANAS undertakes to complete a thorough determination of its risks to impartiality and objectivity to identify, analyse and where applicable, document to mitigate such risk. The risk assessment process will be on-going and will be maintained with the involvement of interested parties, through:

- Annual Strategic Board meetings;
- Audit and Risk Committee meetings;
- Divisional strategic planning meetings;
- Participation of interested parties through the SANAS Specialist Technical Committees (STCs). (Refer to Section 5.6.2)

5.3 *Threats or risks to impartiality that are considered include, but are not limited to:*

- Self-interest threats: Those arising from a person or organisation acting in its own interest to benefit itself;
- Subjectivity threats: Those arising when personal bias overrules objective evidence;
- Familiarity Threats: Those arising from a person being familiar with or trusting of another person, e.g. an assessor or staff member developing a relationship with an applicant / accredited organisation or trainee assessor that affects the ability to reach an objective judgement);
- Intimidation threats: Those that prevent person(s) from acting objectively due to fear of a person / organisation / interested party; or
- Financial threats: Such as the source of revenue for SANAS / its personnel / assessors;
- Commercial pressures: Those arising from commercial or economic activities that impacts revenue, trading or business; and
- Political pressures: Those arising from the influence of governments and other governing bodies, whether national or international.
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Where threats to impartiality are identified, the provisions to eliminate or minimize such threats will be documented along with the information demonstrating their on-going effectiveness.

5.4 **SANAS' Structure**

SANAS as a public entity, and the National Accreditation Body formally enacted through the promulgation of the Accreditation Act, is organized in such a manner as to ensure that impartiality requirements are met.

SANAS is an agency of The Department of Trade and Industry's (the dti) Council of Trade and Industry Institutions (COTII). The dti relies on us in support its economic growth, employment and equity ideals. COTII is grouped into three main clusters, one of which is the dti Specialist Services Agencies, responsible for Standards, Accreditation, Metrology and regulation of compulsory specifications, known as the South African Technical Infrastructure. The Specialist Services Agencies consist of the following organisations:

- The South African National Accreditation System (SANAS)
- The National Regulator for Compulsory Specifications (NRCS)
- The South African Bureau of Standards (SABS)
- The National Metrology Institute of South Africa (NMISA)

The Minister of Trade and Industry is the Executive Authority of all the above institutions.

SANAS has the following fire walls in place to ensure that possible conflict of interest does not exist in our relationships with these institutions, which are considered our related bodies:

- Each one of the institutions is a separate legal entity, with a separate Board of Directors as their Accounting Authority;
- Through the Accreditation Act, section 4 provides protection against agreements with organs of state and other persons that may conflict with any international requirement binding on SANAS. (Ref: Act 19 of 2006);
- These bodies shall not perform any of the activities for which SANAS has been mandated to perform in accordance with the Accreditation Act; however they may have conformity assessment bodies (CAB's) accredited by us;
- SANAS is responsible for all decisions regarding the granting, suspending, reducing or withdrawing of accreditation, and such decisions shall not be sub-contracted to any person or organisation outside of SANAS.
- All such accreditation related decisions shall be made through SANAS' independent decision-making process. (Ref: P20 "Responsibilities and Duties of the Approval Committees and Accreditation Managers in the approval and decision on accreditation");
- SANAS requires its Board of Directors, Executive, personnel, assessment personnel and committee members to declare any commercial, financial, political or other pressures that may compromise the impartiality or independence of its accreditation processes, activities or decisions.

Refer to Appendix 1: Impartiality Risk Analysis – Related Bodies

There will be instances where a perceived conflict of interest or threat to impartiality cannot be avoided, in such cases, we shall ensure that we have processes and procedures in place to monitor, evaluate and mitigate, as far as possible, the possible associated risks.

SANAS's governance and organisational structures are clearly defined and shows the lines of authority and responsibility. Refer to PM01 SANAS Policy Manual.

5.5 SANAS Board Members

The SANAS Board of Directors meets quarterly at board meetings and at least annually at a strategic management review meeting. The board members are appointed by the minister of the Department of Trade and Industry (**the dti**), and have no personal interest in the performance or activities of SANAS. They represent independent experts in their field of business administration and technical sciences from the private and public sectors.

The Board has access to the necessary expertise to advise on good corporate governance and the effective execution of their responsibilities. This is done through the establishment of various committees that comply with the corporate governance requirements as captured in the Shareholder Compact Agreement with government and the relevant requirements of King III (Corporate Governance Standards) and the protocol on corporate governance.

The Board provides strategic direction for the daily operations of SANAS. The Board executes and delivers on the Shareholder Compact with the Minister of **the dti**.

The Board of Directors are required, in terms of the Public Finance Management Act, to disclose any direct or indirect personal or private business interest that that member or any spouse, partner or close family members may have in any matter brought before the Board.

5.6 *SANAS Personnel, Assessors and Committee Members*

5.6.1 Background

At the personal level the independence and impartiality is safeguarded by the contractual obligations for all SANAS' personnel (permanent employees, assessors/experts, committee members) to disclose in writing all actual or perceived commercial, financial, political or other pressures or conflicts of interest that could influence the accreditation process, **whenever it may arise**. Top management ensures, through training and on-going monitoring processes, that none of SANAS's activities affect the confidentiality, objectivity or impartiality of its accreditation services.

SANAS personnel and contracted assessors / experts have signed contracts, binding them to the requirements for confidentiality of information.

5.6.2 SANAS Personnel

Each SANAS staff member has signed a commitment to uphold the SANAS values and to:

- treat customers and co-workers in a fair and equitable manner;
- not compromise SANAS' independence, impartiality and confidentiality;
- make current information about SANAS' services available; and
- provide an impartial, fair and equitable service.

SANAS personnel are required to declare any gifts or donations received, as this can be seen as a possible bribe. A gift, donation or sponsorship shall not be accepted if the donor expects SANAS or an employee to alter its business in any manner. SANAS FP 13 "Gifts, donations and sponsorship policy" describes the handling of gifts, donations or sponsorships received by SANAS or an employee.

SANAS employees are required to declare any business interests and have to obtain approval to conduct work outside of the business of SANAS. Such business interests shall not compromise an employee's contractual obligations with SANAS or create any conflict of interest with SANAS.

The SANAS EXCO are required to declare any conflicts of interest between themselves, SANAS and /or any of SANAS' customers.

5.6.3 *SANAS Assessors*

SANAS requires its assessors / experts to conduct assessments in a manner that allows them to obtain and assess objective evidence fairly and remain true to a conclusion despite any pressures to change that is not based on objective evidence.

When selecting assessment teams, the relevant **Accreditation** Manager is responsible to ensure that each team member is free from any interest that might cause them to act in other than an impartial and non-discriminatory manner. Prior to the assessment, the assessment team members are obliged to disclose any existing, former or envisaged link between themselves and the organisation to be assessed **through the completion of form F22 "Confidentiality, Impartiality and Non-disclosure Agreement"**. Assessment team members shall not have been engaged in such activities in the two years prior to the allocated assessment.

5.6.4 Approvals Committee (AC)

At the organisational level, impartiality and objectivity in decision-making are safeguarded through the appointment of the SANAS Approvals Committee (AC) and the implementation of procedures as defined in SANAS P20 “The responsibilities and duties of the approval committees and accreditation managers in the approval and decision on accreditation”.

AC members are approved by the CEO on the basis of their training in decision-making procedures, and the demonstration of their ability to remain objective in the decision-making process. SANAS ensures that the performance of AC members is monitored at least once in every 3 years.

AC members will not be assigned to evaluate an assessment of which he/she was a member of the team or where he/she may have any other conflicts of interest with the matter under review.

5.6.5 Specialist Technical Committees (STCs)

SANAS uses STCs as a tool to provide appropriate technical guidance on all matters within a specific scope of expertise. This focus of the STC on issues affecting the technical integrity of the processes has to be maintained to ensure the credibility of the accreditation process. The STC may only advise and make recommendations. All decision-making lies solely with SANAS. (Refer to SANAS P19)

The committee composition and membership remains the responsibility of SANAS. SANAS ensures that not only appropriate technical expertise is available on each of its STC's, but also that an appropriate balance of interests is maintained with no single party dominating, to ensure there are no conflict of interests and that their recommendations are not self-serving.

SANAS does not normally remunerate members for items such as attendance of meetings, participation in work groups or the generation of Technical Documents.

Interested parties**, through the SANAS Specialist Technical Committees (STC's) are invited, by virtue of this document (P07), to participate in the identification and analysis of SANAS' relationships with related bodies, to determine the potential for conflict of interest, whether they arise from within SANAS, or from the activities of SANAS' related bodies. This process is overseen by the responsible Accreditation Managers and will be done at least once in every 3 years, with the review of this document. (Refer to Addendum 1: Related Body Risk Analysis)

**Note: Interested parties include:

- Applicants for accreditation
- SANAS assessors
- Regulatory authorities
- Accredited organisations
- Clients of accredited organisations, consumers and members of the public

5.7 SANAS Services

SANAS' services are made accessible to all applicants whose requests for accreditation fall within SANAS' scope of activities, regardless of the size, number of Conformity Assessment Bodies (CABs) already accredited, or membership of any association or group.

SANAS does not participate in or offer any conformity assessment services that conformity assessment bodies perform.

SANAS provides both internal and external training services in accreditation related activities. In order not to compromise its impartiality and status in training service delivery, SANAS offers generic training courses and does not give specific advice for the development of an organization's operations. Furthermore, the training courses offered by SANAS are not a precondition of accreditation neither do they guarantee accreditation by SANAS.

SANAS does not organise or manage proficiency testing (PT) schemes or measurement audits. Where there is a need for such schemes these are either organised through the National Metrology Institute of South Africa or an accredited PT service provider.

5.8 *Consultancy*

Consultancy services shall not be provided by SANAS or its staff to any applicant or accredited organisation. SANAS will take action to correct inappropriate claims, stated or implied, by any consultancy, person or organisation that suggests directly, or indirectly, that through their affiliation with SANAS, accreditation would be simpler, easier, faster or less expensive.

It is recognised that contracted assessors consult in their private or personal capacities, however, an assessor shall not consult to an organisation where he/she acted as an assessor until all non-conformances have been cleared and a decision has been made by the Approval Committee / Accreditation Manager for unconditional accreditation to be granted or maintained, or accreditation to be withdrawn.

An assessor that has provided consultancy services to an organisation shall not be used to assess or make a decision as AC member for that organisation for a period of 2 years after their consultancy services have ceased.

The following are not considered as consultancy, as the information provided is generic and does not include specific and customised advisory activities, services and information:

- Communications meetings and Assessor conclaves;
- Providing generic tools and guidance for applicants and CABs;
- SANAS training courses and workshops;
- Sharing information relating to the interpretation of accreditation standards/guides/requirements
- Pre-assessments aimed at gathering information, discussing documents and findings, and evaluating readiness for the initial assessment;
- Adding value during accreditation assessments, e.g. by identifying opportunities for improvement and without recommending specific solutions;
- Any other activities which are not considered as participation in an active creative manner in giving specific advice for the organisation in obtaining and maintaining SANAS accreditation.

SANAS consults to and provides assistance to other national, regional or international accreditation bodies, as needed, to assist them in obtaining their recognition with ILAC, IAF, AFRAC or SADC, thereby promoting accreditation as a means of facilitating international trade and enhancing the Republic's economic performance and transformation.

5.9 *SANAS Policies and procedures*

SANAS shall maintain up to date policies and procedures and ensure that these support impartiality.

SANAS shall publish revised drafts of its accreditation requirements on the SANAS website for a period of at least 30 days, in order to give interested parties the opportunity to provide input into the accreditation requirements.

5.10 Other Monitoring activities

SANAS has various mechanisms in place to evaluate its systems, procedures and practices to ensure that impartiality in SANAS' services is maintained. These include:

- Internal Audits are arranged at least annually to confirm continued compliance to all the requirements of the SANAS Management System, ISO/IEC 17011 and the mandatory requirements of ILAC / IAF / AFRAC / SADCA, and to ensure an effective and efficient implementation of our policies and procedures;
- External Auditors provide an independent, objective and reasonable assurance on whether the financial statements comply with relevant accounting standards and present fairly the financial position and performance of SANAS. The directors are responsible for preparation of the financial statements in accordance with the Statements of Generally Accepted Accounting Practice (GAAP), Generally Recognised Accounting Practice (GRAP) or International Financial Reporting Standards (IFRS), where applicable.
- The annual evaluation of the effectiveness of internal control measures and risk management;
- Oversight of the risk management function by the dti through quarterly meetings and by the SANAS Audit and Risk Committee (Board sub-committee) in line with the requirement of the Code of Corporate Practices and Conduct and the King Code.
- The on-going review of the SANAS Fraud Prevention Plan (FPP), which has been developed to comply with the Treasury Regulations to the Public Finance Management Act (PFMA). The FPP is a dynamic strategy that continuously evolves as SANAS makes changes and improvements in its drive to promote ethics, fight fraud, corruption, theft, maladministration and other acts of misconduct. The Anti-Fraud and Corruption Policy (SANAS FP04) outlines the policy stance of SANAS to fraud and corruption as well as the response mechanisms in place to report, investigate and resolve incidents of fraud and corruption which impact on SANAS.
- Implementation of an impartial complaints and appeals procedure (SANAS P12 "Handling of Complaints and Appeals". Independent and competent investigators are appointed to investigate valid complaints. Appeals against SANAS decisions are either investigated by the Chief Executive Officer (CEO), or where the CEO is conflicted, by a competent and independent member of the Senior Management. Where the appellant is not satisfied with the outcome of the appeal investigation, the SANAS Board of Directors appoints an Appeals Board to investigate valid appeals.
- Annual customer surveys with SANAS' clients are conducted by an independent service provider.
- Executive Committee (EXCO) meetings are held regularly throughout the year, and are attended by the CEO, the Chief Financial Officer, Departmental Executives, and where required, relevant management. The EXCO oversees and regularly evaluates all aspects of SANAS business activities to ensure its operations are carried out responsibly, openly, independently and objectively and that all applicants for accreditation are treated alike. This guarantees that SANAS maintains its high standards and integrity.

5.11 Risk Management

SANAS has implemented a Risk Management Strategy as well as a Risk Assessment Plan, approved by the Board of Directors, to identify, analyse, evaluate, treat and monitor on an on-going basis the risks to the business of SANAS as well as the risks to impartiality arising from its activities, including any conflicts arising from its relationships or the relationships of its personnel.

The SANAS CEO bears the overall responsibility for the risk management process, with oversight in this regard provided by the Board of Directors through their Audit and Risk Committees, whose responsibilities include:

- the review, control and monitoring of the performance & reporting of SANAS in terms of its financial, legal and fiscal risks, operations, IT governance and financial condition;
- ensuring that the management of SANAS has the necessary mechanisms in place to ensure that there is compliance with pertinent laws and regulations, is conducting its affairs ethically, and is maintaining effective controls against conflicts of interest and fraud.

(Ref: FP06: Audit and Risk Committee Charter)

Risks are identified through various activities, which includes, but are not limited to:

- The complaint and appeal handling process;
- The identification of opportunities for improvement;
- Internal audits;
- Management Reviews;
- Outcome of customer surveys;
- Annual review of risks to the business of SANAS by SANAS Management and the Board of Directors; and
- The involvement of SANAS personnel and interested parties in the review of SANAS accreditation requirements, development and/or review of technical accreditation requirements / criteria, relevant SANAS policies and procedures, including this Impartiality Procedure.

In documenting and reviewing SANAS policies, procedures and requirements, SANAS considers the possible risks to impartiality and ensures that the policy, procedure or requirement, as relevant includes prevention or mitigation of any possible risk.

Appendix 1: Impartiality Risk Analysis – Related Bodies

Related Body	Type	Relationship	Risk	Risk Mitigation
The dti	National Government Department	SANAS is an agency of the dti. The authorities are captured in PM 01 SANAS Policy Manual	Interference with accreditation processes and decision-making.	<p>1) Through the Accreditation Act, section 4 will provide protection against agreements with organs of state and other persons that may conflict with any international requirement binding on SANAS. (Ref: Act 19 of 2006)</p> <p>2) All SANAS decisions regarding awarding, suspending or withdrawing accreditation will be made through an Independent decision-making process. (Ref: P20 "Responsibilities and Duties of the Approval Committees and Accreditation Managers in the approval and decision on accreditation")</p>
National Government Departments	Regulatory Government Department	SANAS Accreditation serves as one of the requirements for organisations' to operate within the departments' relevant regulatory domain.		
NRCS	Regulator	<p>1) SANAS Accreditation serves as one of the requirements for organisations to operate within the departments' relevant regulatory domain.</p> <p>2) SANAS accredits the inspection, testing and certification bodies of the regulator;</p> <p>3) The NRCS is a member of the SA technical Infrastructure and reports to the same directorate of the dti, as SANAS.</p>	<p>1) Interference with accreditation processes and decision-making;</p> <p>2) Perceived preferential treatment in awarding, suspending or withdrawing accreditation</p>	
NMISA	Public Entity	A member of the SA technical Infrastructure and reports to the same directorate of the dti, as SANAS.	Perceived preferential treatment in awarding, suspending or withdrawing accreditation	
SABS	Public Entity	A member of the SA technical Infrastructure and reports to the same directorate of the dti, as SANAS.	Perceived preferential treatment in awarding, suspending or withdrawing accreditation	
COTII	Forum of dti Agencies	A member of the dti agencies and reports to the same government department as SANAS.	Perceived preferential treatment in awarding, suspending or withdrawing accreditation to those who are also clients of SANAS.	
SADCAS	Multi-economy Accreditation Body	A twinning arrangement partner of SANAS Members of SADCA	<p>1) Accredited facilities who do not yet fully meet accreditation requirements</p> <p>2) Insufficient qualified assessors to perform SADCAS assessments</p> <p>3) Perceived competition between SADCAS and SANAS</p>	<p>1) All activities relating to SADCAS shall be done in accordance with the SANAS/SADCAS Twinning Arrangement. These include:</p> <ul style="list-style-type: none"> • Joint assessments • Combined Approval Committee (Ref: Twinning Arrangement) <p>2) SADCAS and SANAS shall not be in competition. All accreditations within SADC except for the SADC member states where an operational accreditation body is in existence shall be referred to SADCAS in accordance with the ILAC/IAF cross frontier document (Ref: TPAJ 01)</p>

ADDENDUM 1: Amendment Record

Proposed By:	Section	Change
QM	1	“accreditation processes and activities” replaced “operations”
	2.1	Title of P20 amended.
	2.2	Definition of Impartiality amended, and note included
	3	Added “and shall achieve this by taking responsibility for its accreditation activities and Added ‘ SANAS shall not allow commercial, financial or other pressures to compromise impartiality.” Added “SANAS’s top management’s commitment to impartiality is evidence in the Impartiality Statement, as published in the SANAS Policy Manual, and available on the SANAS website at www.sanas.co.za.”
	5.2	1 st 3 bullets added
	5.3	1 st sentence : Added “ or risks” Added Commercial and political pressures
	5.4	Clause added
	5.6.1	Deleted “at the time that the conflict or possibility of conflict becomes evident”, added “whenever it may arise”.
	5.6.3	Field Manager changed to Accreditation Manager Added “through the completion of form F22 “Confidentiality, Impartiality and Non-disclosure Agreement’.”
	5.6.4	Clause added
	5.6.5	1 st Par: “Scope” replaced “field” 2 nd par: Added “on each of its STC’s.....with no single party dominating,” Deleted “as far as possible, for each of its STC’s”
	5.7	Last 3 paragraphs added
	5.8	Line 3: Added “person”
	5.0	3 rd bullet added “effectiveness of” Added 4 th & 5 th bullets
	5.11	Clause added
	Appendix 1	Appendix added.