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## 5.1 Legal and contractual matters

### 5.1.1 Legal responsibility

Judah Compliance Auditors (company registration no. 2008/123646/23) based in Pietermaritzburg is the legal entity responsible for all its certification activities.

### 5.1.2 Certification agreement

Judah Compliance Auditors has established a legally enforceable agreement for the provision of certification activities to its clients and all the sites covered by the scope of certification (all agencies and offices reporting to Judah Compliance Auditors included). Where there are multiple sites of client, the agreement covers all the sites covered by the scope of the certification.

### 5.1.3 Responsibility for certificate decisions


Judah Compliance Auditors retains both responsibility and authority for its decisions relating to the granting, maintaining, renewing, extending, reducing, suspending and withdrawing of certification. It also is responsible for the expanding and reducing of the scope of certification and refusal of certification.

The detailed process for the above is defined within QP10 Procedure for Certificate issue, suspension and withdrawals.

Reference →

- a) QP10 - Procedure for Certificate issue, suspension and withdrawal
- b) Company CK Document
- c) F27 - Certification Agreement

## 5.2 Management of impartiality

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5.2.1 Conformity assessment activities shall be undertaken impartially. Judah Compliance Auditors shall be responsible for the impartiality of its conformity assessment activities and shall not allow commercial, financial or other pressures to compromise impartiality.

5.2.2 Judah Compliance Auditors and its Managing Member and staff are fully committed to ensuring that all management system certification activities are impartial. Any relationships between Judah Compliance Auditors or individuals employed by Judah Compliance Auditors or Subcontractors to Judah Compliance Auditors with other organisations or individuals will be declared, reviewed, documented and risk assessed.

In addition to a policy (Organization Policy Statement – displayed at Judah Compliance Auditors and its website.), Judah Compliance Auditors has detailed the functions of the Impartiality Committee and its role in maintaining impartiality monitoring and laying down impartiality norms and its adequacy.

Reference →

- a) QM 02 - Impartiality Committee – Constitution, roles and responsibilities
- b) PY03 - Impartiality Policy
- c) Risk Assessments
- d) Meeting minutes of the Impartiality Committee

5.2.3 Judah Compliance Auditors does not engage with any other company or organisation which may result in a conflict of interest arising from its certification activities. Judah Compliance Auditors does not offer consultancy to any client or potential client, training other than general training courses such as Internal Audit etc. Judah Compliance Auditors has identified and analysed (risk assessed) all relationship (formal or informal) with other organisations or individuals which may result in a conflict of interest arising from its certification activities. In addition, Judah Compliance Auditors will not provide Food Safety Management System consultancy.

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In addition to both managerial and non-managerial permanent and temporary workers, and their representatives, parties that have an interest in an OH&SMS certification include, but are not limited to:

- i) Legal and regulatory authorities (local, regional, national or international),
- ii) Parent organizations,
- iii) Suppliers, contractors and subcontractors,
- iv) Workers' organizations (trade unions) and employers' organizations,
- v) Owners, shareholders, clients, visitors, relatives of workers, local community and neighbours of the organization and the general public,
- vi) Customers, medical and other community services, media, academia, business associations and non-governmental organizations (NGOs), and
- vii) Occupational health and safety organizations and occupational safety and health-care professionals (for example doctors and nurses).

Judah Compliance Auditors conducts a risk assessment for our office as a part of its internal audit process. Should the company propose to enter into any relationship with another company or organisation or enter into any new area of business; that relationship or new area of business will be reviewed by Judah Compliance Auditors and the Impartiality Committee to ensure that impartiality can be demonstrated, and the integrity of the Certification process assured.

Any conflict of interest arising from existing or past relationships between employees or subcontractors and Judah Compliance Auditors clients (including potential clients), is required to be declared. All staff and sub-contractors are made aware of the need to

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declare any such conflict of interest and sign to acknowledge the obligation (contract of employment and subcontractors' agreement).

Where a possible or potential conflict of interest is declared e.g. an Auditor has worked in the past as a consultant or employee of the client, the Auditor will not be asked to undertake an audit at that client nor will he/she be asked to undertake any work concerning that client until a minimum period of time has elapsed (minimum 2 years). Even if the 2-year period has passed the relationship between the company and the individual auditor will be determined and a decision made as to the suitability of that auditor to undertake the work. Where the conflict of interest is not clear it is still a requirement of the individual to declare that interest, however the Managing Member will establish the nature of that possible conflict of interest and decide based upon the individual circumstance and will refer the matter to the Impartiality Committee if required. When a relationship poses an unacceptable threat to impartiality (such as a wholly owned subsidiary of Judah Compliance Auditors requesting certification from its parent), then certification will not be provided as a policy decision.

Reference →

- a) F12 - Confidentiality and impartiality declaration
- b) QM 2 - Impartiality Committee – Constitution, roles and responsibilities
- c) QM 3 - Certification Committee – Constitution, roles and responsibilities
- d) PY01 - Quality Policy
- e) PY02 - Confidentiality Policy
- f) PY03 - Impartiality Policy
- g) Risk Assessments
- h) Meeting minutes of the Impartiality Committee
- i) Personnel Files
- j) F12 - Declaration of Interests (company, staff and sub-contractors)

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k) F11 - Sub-contractor Agreement

l) IAF MD 22:2018

5.2.4 As required by ISO 17021, Judah Compliance Auditors will not certify another certification body for its quality management system.

5.2.5 As required by ISO 17021, Judah Compliance Auditors does not offer or provide management system consultancy.

5.2.6 Judah Compliance Auditors does not offer to provide Internal Audits (nor has it) to any of its clients and does not provide an Internal Audit service to any company or organisation.

5.2.7 Judah Compliance Auditors as a company does not and has not provided a consultancy or Internal Audit service to its customers or potential customers therefore no risk to the impartiality of the Certification process is posed. However, individuals or sub-contractors may have provided a consultancy service, internal audit services, been employed or through other means have an association with clients of Judah Compliance Auditors, in such cases the individual will be required to declare any such current or past relationship and will not be allowed to undertake Audits or other work with that client. At the discretion of the Managing Member the individual may be allowed to conduct an Audit or undertake other work with a client when a minimum of 2 years has elapsed since the end of the management system consultancy or other relationship.

Any such relationships or conflicts of interest will be recorded within the personnel records of the individual and the responsibility to declare any such conflicts stated in contracts of employment and sub-contractor agreements.

Reference →

a) F10 - Contracts of Employment

b) F11 - Sub-contractor Agreements

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- c) Personnel Files
- d) QP08 - Marketing, contract and contract review
- e) F12 - Declaration of Interests (staff and sub-contractors)

5.2.8 As required by ISO 17021, Judah Compliance Auditors does not outsource Audits to a Management Consultancy Organisation. Audits (and the use of Technical Experts) are only outsourced (sub-contracted) to individuals.

5.2.9 Judah Compliance Auditors does not in its marketing, publications; website, correspondence etc. state or imply that certification would be simpler, easier, faster or less expensive if a specified consultancy organisation were used. Judah Compliance Auditors has no links with any consultancy organisation, nor does it approve consultancy organisations. Should Judah Compliance Auditors become aware of any claims stating or implying that certification would be simpler, easier, faster or less expensive if a specified consultant was used it will be referred to the Managing Member for appropriate action. Judah Compliance Auditors does not offer any incentives, commission or other benefits for referral business from any individual or organisation.

5.2.10 No individual will be used by Judah Compliance Auditors to take part in any Audit when they have been involved in Management System Consultancy for that client. At the discretion of the Managing Member an individual may be allowed to participate in an Audit, if more than 2 years has elapsed following the end of the consultancy (also refer clause 5.2.3 & 5.2.7).

Reference →

- a) F10 - Contracts of Employment
- b) F11 - Sub-contractor Agreements
- c) Personnel Files
- d) F12 - Declaration of Interests (staff and subcontractors)

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5.2.11 Any threats to its impartiality arising from the actions of other persons, bodies or organisations will be referred to the Managing Member and Impartiality Committee (if necessary) to determine the appropriate actions (including legal actions) to be taken.

5.2.12 The Impartiality Committee (IC), Managing Member, and Certification Manager of Judah Compliance Auditors will ensure that all personnel either internal, external or committees act impartially and shall not allow commercial, financial or other pressures to compromise impartiality. Appropriate action will be taken by the Impartiality Committee or Managing Member, where any such pressures are identified.


Undertakings are taken on a half yearly basis from the IC members, Managing Member, Certification Manager and staff of Judah Compliance Auditors for its compliance/ adherence to Judah Compliance Auditors Impartiality norms.

5.2.13 All personnel both internal and external are required to reveal any situation known to them that may present them or Judah Compliance Auditors with a conflict of interest. This requirement will be established during the recruitment process and will also be an ongoing requirement of the individuals to declare such conflict of interest.

In case of any conflict of interest declared by internal or external personnel, the same would be reviewed by Managing Member of Judah Compliance Auditors and necessary actions would be initiated to mitigate the conflicting issues. However, the same issues and action would also be reviewed with the IC members.

Reference →

- a) Personnel records
- b) F11 - Sub-contractor agreement
- c) F10 - Contracts of employment

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5.2.14 In terms of ISO 13485, JC Auditors and its auditors are impartial and free from engagements and influences which could affect the objectivity, and in particular shall not be:

- a) involved in the design, manufacture, construction, marketing, installation, servicing or supply of the medical device, or any associated parts and services
- b) involved in the design, construction, implementation, or maintenance of the quality management system being audited
- c) an authorized representative of the client organization, nor represent the parties engaged in these activities

### 5.3 Liability and financing

5.3.1 Judah Compliance Auditors ensures that it has taken adequate steps to ensure that potential liabilities / risks arising from its certification operations are covered and the amount of cover reflects the risks. Levels and types of cover are set and agreed following a full disclosure of all information to the Insurance Broker. It will cover all geographic locations and hence all activities of Judah Compliance Auditors operations are covered.

Reference →

- a) Insurance policies available as a document of external origin

5.3.2 Judah Compliance Auditors produces independently audited accounts which together with the accountant's report are examined in detail by the Managing Member to both ensure that the finances of the company are on a sound basis and to establish as far as possible that commercial, financial or other pressures do not compromise the company's impartiality.

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