

NON-APPLICABLE CLAUSES, PERMISSIBLE EXCLUSIONS, EXEMPTIONS

Developing a better understanding of what can and what cannot be excused in an audit assessment

Please note:

- All participants have been muted.
- Please type your questions in the “Question” section of the dashboard – we will take questions at the conclusion of this presentation.
- Please note that copies of today’s presentation will be available for download shortly.
- This webinar (and all other past PJR webinars) will also be available for re-viewing on our website under “Previously Recorded Webinars.”

Overview of Topics

- What are Non-Applicable Clauses?
- What high level requirements apply to this issue?
- What is outsourcing?
- Where is outsourcing discussed in ISO 9001:2008?
- Where is outsourcing discussed in ISO 9001:2015?
- Impact of a Limited Scope
- Conclusions/Questions

Special note

- For purposes of today's presentation, we will examine these concepts as they are addressed in ISO 9001:2015, as well as its predecessor ISO 9001:2008.
- These same concepts appear in many other standards, including AS9100, IATF16949, and ISO 13485, but there are applicable sector specific requirements in many cases.
- Please note that PJR offers webinars on these and many other standards. Please visit our website for further information.

What are Non-Applicable Clauses?

- This concept is primarily rooted in clause 4.3 of ISO 9001:2015, where it states (in part):

*“The (organization’s) scope shall state the types of products and services covered, and provide justification for any requirement of this International Standard that the organization determines is **not applicable** to the scope of its quality management system.”*

- Clause 4.3 also requires that the Scope (including details and justification for all non-applicable clauses) be maintained as documented information.

How was this approached in ISO 9001:2008?

- “Non-applicable clauses” replaces the former concept of “permissible exclusions” as was discussed in clause 1.2 of ISO 9001:2008, where it stated: *“Where any requirement of this International Standard cannot be applied due to the nature of an organization and its product, this can be considered for exclusion.”*
- Clause 4.2.2A of ISO 9001:2008 added another layer to this requirement by mandating that exclusions (and their justifications) be documented within a Quality Manual.

Exemptions

- For purposes of this presentation, we will be referring to both “Permissible Exclusions” and “Non-Applicable Clauses” under the innocuous term “Exemptions.”

Exemptions in plain English

- ISO 9001:2008 and ISO 9001:2015 essentially say the same thing when it comes to Exemptions.
- For an exemption to truly be justified, it must be something that is not part of the organization's quality management system as defined by the scope.
- Let's dig a little deeper and get a better sense of how we are to better understand this requirement.

What high level requirements apply to this issue?

- The guidance in this area has included input from many different areas, including:
 - The TC 176 committee (the people that wrote ISO 9001:2008 and ISO 9001:2015);
 - The ISO 9001 Auditing Practices Group (representing both the ISO and IAF);
 - Content within the ISO 9001:2015 standard (both auditable and guidance); and
 - The ISO/TS 9002: 2016 “Quality Management Systems – Guidelines for the application of ISO 9001:2015” guidance document.

The TC 176 Committee Position Papers

- In October 2008, a short time after the ISO 9001:2008 standard was published, the TC 176 committee issued two officially binding guidance documents, entitled:
 - *Introduction and support package: Guidance on ISO 9001:2008 Sub-clause 1.2 “Application” Document: ISO/TC 176/SC 2/N 524R6; and*
 - *Introduction and support package: Guidance on “Outsourced processes” Document: ISO/TC 176/SC 2/N 630R3.*
- These two papers included a requirement that many organizations, auditors, and certification bodies found rather controversial.

What did the TC 176 committee guidance say that was so controversial?

- The two guidance documents provided numerous permutations pertaining to exemptions, most of which were well understood, but one item stood out as particularly controversial.
- From guidance document 524R6:
 - *“Examples of situations where conformity to ISO 9001:2008 **should not** be claimed (include) where an organization excludes a requirement on the basis that the activity has been outsourced.”*
- From guidance document 630R3:
 - *“The intent of Clause 4.1 of ISO 9001:2008 is to emphasize that when an organization chooses to outsource (either permanently or temporarily) a process that affects product conformity with requirements (see ISO 9001:2008 clause 7.2.1), it can not simply ignore this process, **nor exclude it from the quality management system.**”*

In other words...

- Any exemption rooted in outsourcing is not an acceptable exemption and should result in a nonconformance during the audit.
- This guidance is from the committee that wrote the standard, there is no “getting around it.”

Design - the elephant in the room

- PJR has had past clients who have claimed an exemption from the design and development requirements on the basis that designs were provided by their parent or sister company.
- **Such exemptions are not appropriate and should not be accepted.**
- There are only two acceptable justifications for an exemption of the design and development requirements:
 1. The auditee receives a complete product design from their customers;
 - or
 2. The auditee does not manufacture products based on a product design (warehouses, distributorships, service companies, etc.)

How can PJR audit something I don't do?

- This is the most common response we get from auditors and clients expressing frustration over this requirement.
- Remember, we're not auditing the actual activity itself, but rather the outsourcing controls applied.

What is Outsourcing?

- Our understanding of this key concept begins with a review of the definition provided in the ISO 9000:2015 standard:
- **Outsource** – *(to) make an arrangement where an external organization performs part of an organization's function or process.* - ISO 9000:2015, clause 3.4.6
- It is important to note the phrase “*an organization's function or process.*”
 - This means that the organization still has ownership of the function or process, even if they don't perform it in their facility.
- This point is further emphasized in the Note that appears right after the definition:
- “*An external organization is outside the scope of the management system, although the outsourced function or process is within the scope.*”

Examples of outsourced processes

- The following are examples of outsourced processes that organizations may choose to outsource. Each has been paired with the respective clause from ISO 9001:2015:
- Calibration/Verification of Measurement Devices (7.1.5);
- Training/Certification of Personnel (7.2);
- Customer Service/Order Entry (8.2);
- Design and Development (8.3);
- Purchasing (8.4);
- Manufacturing (8.5);
- Product Testing/Analysis (8.6); and
- Nonconforming Product Disposal (8.7.)

Where is outsourcing discussed in ISO 9001:2008?

- Outsourcing requirements discussed in ISO 9001:2008 appear as follows:
 - *“Where an organization chooses to outsource any process that affects product conformity to requirements, the organization shall ensure control over such processes.”* – ISO 9001:2008 clause 4.1

Where is outsourcing discussed in ISO 9001:2015?

- Outsourcing requirements discussed in ISO 9001:2015 appear as follows:
 - *“The organization shall ensure that externally provided processes, products, and services conform to requirements”* – ISO 9001:2015 clause 8.4.1
 - *“All forms of externally provided processes, products, and services are addressed in 8.4, whether through an arrangement with an associate company, or outsourcing processes to an external provider”* – ISO 9001:2015 clause A.8

Outsourcing discussed in other relevant publications.

- ISO/TS 9002:2016 discusses this requirement, and indicates (clause 8.4.1) that “*External providers could include the organization's corporate headquarters, associate companies, suppliers, or someone to whom the organization has outsourced a process.*”
- The ISO 9001 Auditing Practices Group also weighed in on this issue in their guidance document written for “Scope of ISO 9001.” This document indicates that “Outsourcing” is to be considered an input to the development of an organization’s scope.

Remember!

- When we audit an outsourced activity, we're not auditing the actual activity itself, but rather confirming that appropriate controls have been established.

What kinds of controls do they mean?

- In general, any methodology of control should be acceptable. A short list of acceptable methods includes the following:
 - Contracts;
 - Purchase Orders;
 - Email communication;
 - Website Terms and Conditions;
 - External Provider Audits;
 - Requiring the External Provider to maintain a management system certification; and
 - Work Instructions.

Example

- Consider the case of a company that chooses to outsource 100% of their calibration/verification activity to a calibration laboratory.
- What will the auditor likely review?
 - Contract issued to the calibration laboratory;
 - Calibration records issued by the calibration laboratory;
 - Gage labeling applied by the calibration laboratory.
- None of these equivocates to a review of the actual calibration/verification activity.
- In this scenario, none of the applicable clauses from ISO 9001:2015 that pertain to calibration/verification (7.1.5) would be claimed as an exemption.

Website Review

- PJR's auditors and the members of our Executive Committee has been instructed to review the client's website as a regular part of the audit process. Remember that an organization's website is admissible as audit evidence.
- We're looking for a few key things during this assessment:
 - Does the website appropriately reflect the organization's scope?
 - Does the website reference design activity (and the organization is classified as "No Design")?

Design activity noted on the website

- When we note design on an organization's website, and they are classified as “No Design”, the explanation usually falls into one of a few categories:
 - *“Corporate provides the designs.”*
 - We have now learned that this isn’t acceptable.
 - *“Well, we don’t really provide design services, we just want to attract potential customers by saying we do.”*
 - While PJR certainly understands the desire to grow a business, we cannot accept this either. The organization’s website and design classification must be aligned with each other.
 - *“We did design our products, but all products were designed 30-40 years ago.”*
 - This is admittedly rare, but has come up on a few occasions.

Exemptions rooted in a limited scope

- Most of PJR's clients intend for their entire operation to be included in their ISO 9001 certification.
- There are a small number of cases where the client wishes to have a limited scope, whether for financial or other reasons.
- Where this is the case, it is possible that a portion of the ISO 9001 standard may be considered for exemption that would not have been possible in a "full scope" situation.

Example

- An organization manufactures clothing for industrial and commercial markets. For purposes of this examples we will presume that there are two primary product lines:
 - Leather goods (industrial applications); and
 - Polyester goods (commercial applications.)
- Recall that ISO 9001:2015 includes warranty provisions in clause 8.5.5.
- Assume that that organization offers warranty returns on their Polyester (commercial) products, but not on their Leather (industrial) products.
- If such a company chooses to only pursue ISO 9001 certification for their Leather (industrial) product line, they may be able to claim a full or partial exemption from clause 8.5.5.

What happens if an inappropriate item is being claimed as an exemption?

- The most appropriate result of an incorrectly claimed exemption is a nonconformance. We explored what the probable clause numbers to cite are earlier in this presentation.
- PJR clients are afforded the right to issue a dispute or appeal of an auditor's decision. This process is discussed in PJR procedure PRO-10 (available anytime on our website.)

Full Design – Outsourced

- In mid-2017, PJR rolled out a new certification option for clients who receive some or all of their product designs from a parent/affiliate company. This option is referred to as “Full Design – Outsourced.”
- The following specific things will happen to any client classified in this way:
 - Audit time is calculated in the same manner currently used for clients classified as “No Design.” It is not appropriate to add time or expense to an audit where the activity isn’t performed on-site.
 - Any organization that is classified as “Full Design-Outsourced” must not claim any part of the relevant design sections of their standard as an exemption.
 - The certificate issued to such a client must indicate “Design” as part of their scope.

Conclusion

- Perry Johnson Registrars wants to ensure that our audit process is value added for our clients while addressing all applicable requirements.
- Ensuring that all Exemptions are justified is an important part of this process.

Please tune in for one of our other webinars

- *“ISO 9001 2015 Approaching Your Transition With Confidence”* is presented on a semi-monthly basis.
 - This new and updated webinar provides an in depth review of the ISO 9001:2015 standard. It also provides valuable feedback from PJR’s first year of auditing ISO 9001:2015, as well as lessons learned from the new ISO 9002 guidance standard.
- *“Statutory and Regulatory Requirements – Anticipating expectations within a Quality Management System (ISO 9001) audit”* is a new webinar that will be debuting in the Fall and will be shown on a quarterly basis.
 - This webinar explores the new expectations that auditors will have as they pertain to Statutory and Regulatory requirements.
- We offer a variety of webinars on other topics including Process Mapping, Stage 1 Audits, AS9100, ISO 13485:2016, IATF 16949, and ISO 14001:2015.

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