



## Verification Appeals Policies and Procedures

Doc No: FORM 17-1

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Approved By: Executive Committee

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### Introduction:

This policy deals with the procedures to be followed by Lushingtjo staff on receipt of an appeal from a Measured Enterprise. This policy further details the conditions under which appeals are validated and procedures to be followed when making a decision on an appeal.

The purpose for this policy is to:

- a) Establish conditions for validating appeals;
- b) Clearly establish the responsibility and authority for decision making on appeals;
- c) To identify the applicable forms to be used when handling appeals: and
- d) To detail effective guidance for Lushingtjo staff, on what procedures to be followed when handling Measured appeals.

### Policy Statement:

Appeals, requests for reconsideration, may be made only in response to verification decisions or actions. Further, those appeals or requests for reconsideration may be based only upon the grounds that the verification decision of the Lushingtjo was inappropriate because of errors of fact or failure to conform to Lushingtjo's published criteria, policies, or procedures. Only conditions known to the Lushingtjo at the time of the Lushingtjo's decision will be considered by Lushingtjo in the cases of appeals or requests for reconsideration.



#### Procedures:

A description of the appeals procedure is publicly available in the Verification Proposal and is available on Lushingtjo's website – [www.NSTbee.co.za](http://www.NSTbee.co.za))

Only verification decisions may be appealed.

1. The appellant (authorised representative) will be asked to complete the Appeals Form 3-1 and email/ fax to the MD of Lushingtjo.
2. The Appeal must be made within 10 days of the communication of the original verification decision.
3. This appeal must include the reasons why the verification decision of the responsible Lushingtjo Verification Team is inappropriate because of either errors of fact or failure of the respective Lushingtjo Verification Team to conform to Lushingtjo's published criteria, policies, or procedures.
4. The MD will acknowledge receipt of the appeal by email within 48 hours
5. The Verification Administrator will update the Complaints and FORM 18-1- Appeals & Complaints Log
6. Upon receipt of a notice of appeal, the Managing Director of Lushingtjo will select a Technical Signatory to review the appeal. Any member of the Verification Team involved with any aspect of the verification of the Measured Enterprise will be excluded from being appointed to the handle the appeal by the MD
7. Terms of reference
  - The MD will base the selection of Technical Signatory on independence (i.e. not involved in the original verification), competence – this will be done by reviewing Lushingtjo Skills & Competence Matrix to select individuals with an average level 3 skill. The Technical Signatory will be formally notified of their appointment by the MD by email
  - Objectives
    - To investigate the breach and root cause thereof outlined in the complaints form completed by the MD
    - To gather evidence to support the appeal



- To ensure that the appeal is investigated impartially and confidently
  - To advise the MD on the decision on corrective action to be taken, the decision must be made within 14 days of the convening of the committee
8. The MD will provide the complainant with progress reports by email within the 10 day period.
  9. The Technical Signatory will be provided with copies of all documentation that has been made available to the Measured Enterprise during the different phases of the verification cycle by the VM, including the Measured Enterprise's due process response and other materials submitted by the Measured Enterprise or the Lushingtjo Verification Team. The Measured Enterprise may also submit other material it deems necessary to support its appeal. Information submitted by the ME must be confined to the status of the Measured Enterprise at the time of the verification decision of the Lushingtjo Verification Team and to information that was then available to the Lushingtjo Verification Team.
  10. The original Lushingtjo Verification Team is asked by the Technical Signatory to submit written materials beyond the statement to the Measured Enterprise and the Verification Report for clarification of its position. Such materials must be provided to the Measured Enterprise and Technical Signatory at least 2 weeks prior to the date of the review meeting. Any rebuttal by the Measured Enterprise must be submitted to the Technical Signatory at least 1 week prior to the Technical Signatory reviewing.
  11. The Technical Signatory will meet and consider only the written materials submitted by the Measured Enterprise and the respective Lushingtjo Verification Team in determining its recommendation. Representatives from the Measured Enterprise and the Lushingtjo Verification Team may not attend this meeting. The Technical Signatory decision is limited to the options available to the Lushingtjo Verification Team responsible for the verification determination. The Technical Signatory's decision will be reported to the Lushingtjo Board of Directors in writing by the Technical Signatory. The decision rendered by the Technical Signatory is the final decision of Lushingtjo.
  12. The Measured Enterprise and the Lushingtjo Verification Team will be notified in writing of this decision, and the basis for the decision, by the Managing Director within 30 days of the date of receipt of the complaint
  13. Lushingtjo is wholly responsible for the decisions on appeals and any investigation or decisions will not result in discriminatory action being taken against the appellant.



14. Corrective Action will be recommended to the Lushingtjo Board of Directors by the Technical Signatory.
15. The MD will request an independent VM to implement and monitor the effectiveness of corrective action.
16. In the event the error was found by the Technical Signatory to have been by Lushingtjo, a new certificate (as per BOPol16 - Verification Certificates Policy and Procedure) will be issued.
17. If verification activities have found to be affected throughout the organisation, Lushingtjo will cease operations and advise the DTI.
18. The MD will provide the authorised representative of the ME with formal written notification of the end of the Appeals process by email.
19. If the ME is not satisfied with the outcome the MD will advise the ME to contact the DTI.