

	COMPLAINTS, DISPUTES AND APPEALS	CARBON CHECK MANAGEMENT SYSTEM – CMS
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POLICY

Any effective system must have a means for allowing a party which feels it has been unjustly treated to present its case for redress to an impartial panel. It is the policy of Carbon Check to ensure the appointment of a panel (committee) - the Impartiality and Disputes Panel to hear dispute and appeal requests. This procedure defines how an interested party can present an argument for reversal of a decision with which it disagrees, or to resolve a complaint.

It is Carbon Check's policy, in the interests of the Parties that, wherever possible, disputes are avoided and/or their effects mitigated.

The following procedure sets out a multi-tier and comprehensive set of procedures to address the resolution of all potential and actual disputes that may *arise* between the Parties and in order, when disputes arise, to facilitate their definition and resolution.

Note: In addition to this procedure, also refer to Carbon Check Disputes Panel Terms of Reference and Procedures (FM 8.1).

1. PURPOSE

To ensure a process whereby either party can receive a fair and equitable handling of complaints, disputes and a process by which either party can appeal decisions made by either party.

In this procedure, the following terms and expressions shall have the meanings set out below.

Complaints: Formal (written) and/or informal (verbal) expressions of dissatisfaction regarding the performance of a DOE /V & V B in relation to its CDM/ISO 14065 function(s), from any source, such as the client’s organization, the general public or its representatives, government bodies, NGOs, etc. (specific to CDM)

Disputes: Disagreement between a DOE/V & V B and the project participant regarding the DOE’s recommendation and/or opinions/decisions made at various stages during the validation and/or verification/certification functions.

Appeals: A client organization’s request for a review by an independent appeal panel of various decisions taken by a DOE/V & V B in respect of validation and/or verification/ certification functions(

Further definitions are included in the Impartiality and Disputes Panel terms of reference and procedure

Performance to continue

No reference to any dispute to expert determination, Disputes Resolution Board (DRB) procedure, and TPA resolution procedure of arbitration shall suspend any party’s liability for the due and punctual performance of its obligations under the agreement. The provisions of this procedure shall continue to apply to any dispute notwithstanding the repudiation, termination or expiry of the agreement.

2. SCOPE

This process applies to receiving, evaluating, investigating, managing, taking the necessary corrective action and making decisions on, disputes, appeals and complaints. It applies to all Carbon Checks staff and management and to all organizations doing business with Carbon Check in the context of Carbon Check’s validation/verification and or certification activities.

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It applies to disputes, appeals and complaints relating to project participants received by Carbon Check as relating to validation/verification and or certification activities.

This process applies to:

1. Impartiality and Disputes Panel
2. Disputes
3. Appeals
4. Complaints

Note: The Panel also acts as the impartiality panel, and the procedure is defined in Proc 6.0.

In context of ISO 14065, appeals, V & V B i.e. Carbon Check

- a) Has a documented process to manage, evaluate, take necessary corrective action and make decisions on appeals,
- b) Shall make publicly available a description of the appeals-handling process upon request,
- c) Shall be responsible for all decisions at all levels of the appeals-handling process,
- d) Shall ensure that the persons engaged in appeals-handling processes are different from those who carried out the validation or verification and prepared statements on the GHG assertion,
- e) Shall advise the appellant of receipt of the appeal, the appeals-handling process, the persons engaged in the process, and shall provide reports and formal notice of the outcome, and
- f) Shall ensure that decisions on appeals do not result in any discriminatory actions against the appellant.

In context of ISO 14065, Complaints, V & V B i.e. Carbon Check

The validation or verification body

- a) Has a documented process to manage, evaluate, take necessary corrective action and make decisions on complaints,
- b) Shall make publicly available a description of the complaints-handling process upon request,
- c) Shall be responsible for all decisions at all levels of the complaints-handling process,
- d) Shall safeguard the confidentiality of the complainant and subject of the complaint,
- e) Shall, upon receipt of a complaint, confirm whether the complaint relates to validation or verification activities that the validation or verification body is responsible for,
- f) Shall use persons different from those related to the complaint in the complaint-handling process, and
- g) Shall advise the complainant of receipt of the complaint, the complaint-handling process, the persons engaged in the process, and shall provide reports and, wherever possible, formal notice of the outcome.

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3. PROCESS OWNER / OVERALL RESPONSIBILITY AND AUTHORITY

The Executive director has overall responsibility and authority for ensuring that this procedure is implemented.

4. PROCESS / PROCEDURE

4.1 Process Inputs

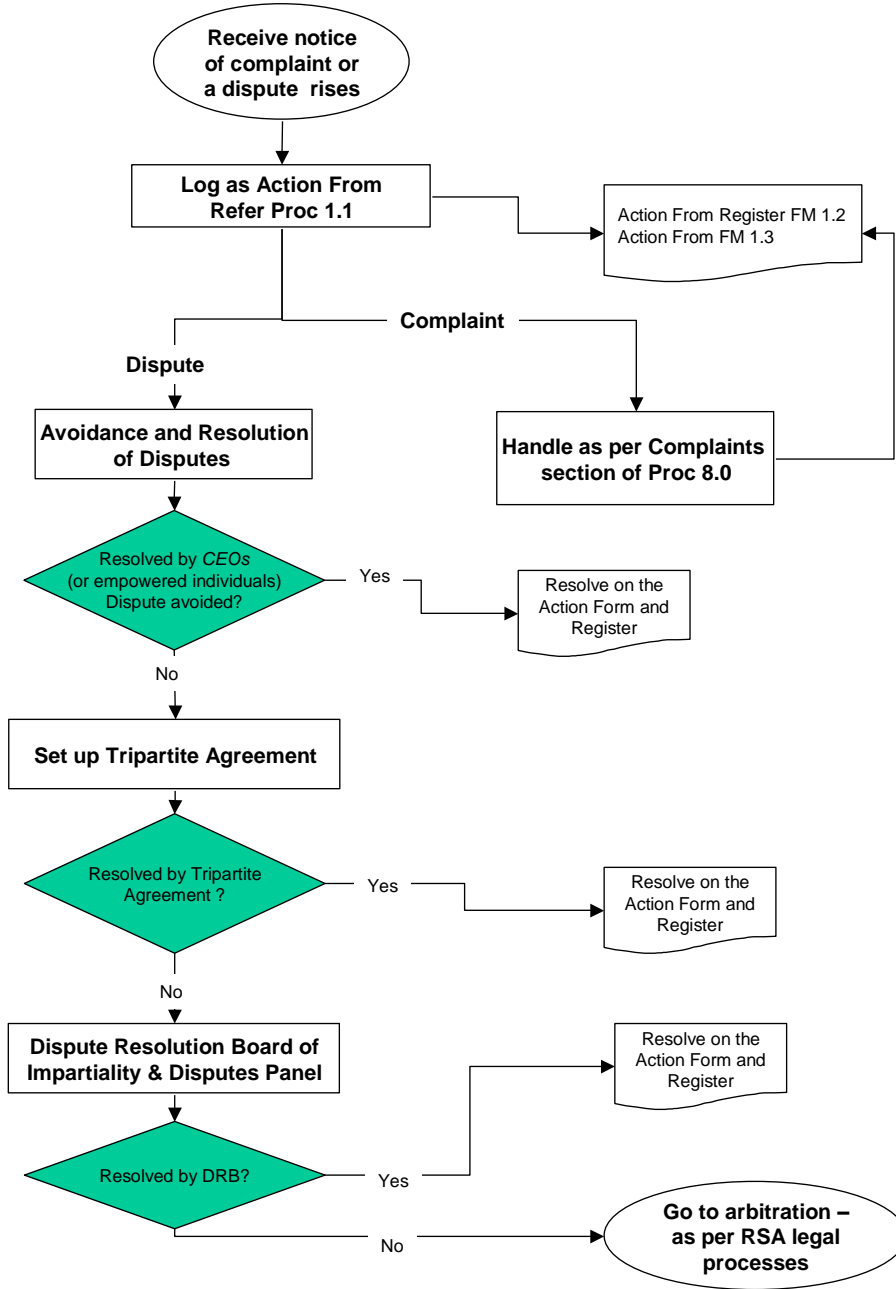
Inputs	Source	Acceptance Criteria
Dispute, appeal or complaint	Client or Carbon Check or UNFCCC/ISO14065	Must be related to Carbon Check services

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4.2 Process Flow



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4.3 Process Outputs

Outputs	Destination/s	Acceptance Criteria
Resolved dispute, appeal or complaint	Complainant	Resolved

4.4 Process/Procedure Steps

Step	Activity	Responsibility & Authority			
1	Impartiality and Disputes Panel				
1.1	Appointment of the Impartiality and Disputes Panel <ul style="list-style-type: none"> - Appoint a panel in accordance with the Impartiality Panel terms of reference and procedures (FM 6.2) and Carbon Check Disputes Panel Terms of Reference and Procedures (FM 8.1) - Ensure the members are independent and suitably expert to contribute the impartiality and disputes procedure. - Ensure records of appointment and membership are retained. Note: The Panel also acts as the impartiality panel, but the relevant procedure relating to impartiality management is defined in Proc 6.0.	Executive director			
1.2	Conduct of the Impartiality and Disputes Panel <ul style="list-style-type: none"> - In all disputes, appeals or complaints (if applicable) Carbon Check will obtain the pertinent information from interested parties for the Panel. - The Panel will evaluate disputes, appeals and where necessary complaints in light of Carbon Check’s policies and applicable rules. - The Panel will use all reasonable efforts to resolve the dispute, appeal or complaint. - If the dispute cannot be resolved, the Carbon Check Executive director will advise the interested parties of their right to appeal the dispute decision. - Also refer to the Carbon Check Disputes Panel Terms of Reference and Procedures (FM 8.1) 	Impartiality and Disputes Panel Members			
1.3	Impartiality Terms of Reference and Procedures and Carbon Check Disputes Panel Terms of Reference and Procedures <ul style="list-style-type: none"> - Refer to FM 6.2 and FM 8.1 - The Disputes and appeals related procedures within the above address: <ul style="list-style-type: none"> o Dispute avoidance and reference of disputes to expert determination, DRB and TPA dispute resolution procedure and arbitration o Expert determination procedure o Dispute resolution board [DRB] procedure o Arbitration proceedings (AFSA rules for commercial arbitrations) o Interlocutory proceedings o Associated contract disputes 	Impartiality and Disputes Panel Members			
2	Disputes Handling Procedure				
2.1	Receiving and logging disputes <ul style="list-style-type: none"> - Log any dispute received using the Action From process (Proc 1.1 and FM 1.2 and FM 1.3) - Refer the dispute to the Executive director, or appointed independent person, if the 	CEO and Compliance Officer			
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Step	Activity	Responsibility & Authority
	<p>Executive director was involved in the validation or verification related to the complaint</p> <ul style="list-style-type: none"> - Send an acknowledgement of receipt of the dispute to the complainant. <p>Note: Disputes may be received from any source and all need to be evaluated for validity as per the procedures below.</p>	
2.2	<p>Evaluate the dispute</p> <ul style="list-style-type: none"> - Obtain the pertinent information from interested parties. - Review the details of the dispute, and if necessary liaise with the disputing party/ies to gather additional information. - Verify the information provided. - Evaluate the dispute to establish whether it is valid. - If it is not valid: communicate the outcome and justification to the disputing party/ies, and close the Action Form off. <p>If it is valid – continue</p> <p>Criteria for Validity of Disputes</p> <p>Disputes shall be considered valid:</p> <ul style="list-style-type: none"> o If it relates to any matter or issue in dispute between the parties arising out of or connected with the contract/letter of engagement (FM 4.3), its existence, implementation, performance, interpretation or termination and includes any dispute as to any opinion, instruction, determination, certification or valuation of Carbon Check. o If it relates to a disagreement or argument between a Carbon Check client and Carbon Check about a decision Carbon Check or Carbon Check’s client has made relating to the object of validation or verification. o If the information provided is successfully verified and found to support the dispute. <p>Disputes shall be considered invalid:</p> <ul style="list-style-type: none"> o If the above criteria are not met. o If Carbon Check was acting in a manner necessary to fulfil the CDM requirements and the decision was justified. <p>Note: Personnel, including management, should not be employed to investigate any dispute if they have been directly involved in the dispute.</p>	Impartiality and Disputes Panel and Executive director
2.3	<p>Deal with disputes</p> <ul style="list-style-type: none"> - Ensure all disputes are dealt with in a constructive and timely manner. Where the operation of such procedures has not resulted in the acceptable resolution of the matter of where the proposed procedure is unacceptable to the disputing party/ies or other parties involved, provide the following, in writing, to the party submitting the dispute: <ul style="list-style-type: none"> • Appointment of the TPA/Expert Determination Board • The opportunity for a formal appeal • Provision to the disputing party of a written statement of the dispute findings including the reasons for the decisions reached 	Impartiality and Disputes Panel

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Step	Activity	Responsibility & Authority
	<ul style="list-style-type: none"> - Investigate the dispute. - Decide on what actions are to be taken in response to the dispute. - Communicate the decision to the Executive director and the disputing party/ies 	
2.4	<p>Tracking and Recording Disputes</p> <ul style="list-style-type: none"> - Ensure the dispute progress is captured onto the Action Form and maintain the Action Form register. - Follow up any overdue actions with the Executive director, or the Panel. - Give feedback/progress to the disputing party/ies where feasible - Ensure the information related to the dispute and the disputing party/ies is maintained confidentially 	Compliance Officer
2.5	<p>Dispute Outcome</p> <ul style="list-style-type: none"> - On completion of the investigation and actions as identified above, inform the disputing party/ies of the outcome of the investigation and the final notice of the end of the disputes handling process. - Maintain a record of disputes. 	Executive director
3	Appeals Handling Procedure	
3.1	<p>If any entity wishes to appeal the dispute decision, it must submit a formal written appeal. Once the appeal is received, Carbon Check initiates steps necessary to appoint the Dispute Resolution Board (DRB) comprised of at least three advocate members who were not part of the initial dispute. Refer to the Carbon Check Disputes Panel Terms of Reference and Procedures (FM 8.1)</p>	Executive director
3.2	<p>Handle the appeal in accordance with the Carbon Check Disputes Panel Terms of Reference and Procedures (FM 8.1) The appeals process must ensure that:</p> <ul style="list-style-type: none"> - An independent appeal panel is responsible for the appeals process - the persons engaged in the appeals process differ from those who carried out the validation, verification or certification activities - the submission, investigation and decision on appeals do not result in any discriminatory actions against the appellant - Tracking and recording appeals, including actions undertaken to resolve them - if the investigation points towards a non-conformance, then appropriate correction and corrective action are taken to eliminate the gaps in the system - Safeguarding the confidentiality of appellants and the subjects of the appeal. - Providing the progress on appeal investigation and handling to the appellant and providing information/notice on final decision - Ensuring that the final decision shall be made by the independent appeal panel - shall make publicly available a description of the appeals-handling process upon request, - shall be responsible for all decisions at all levels of the appeals-handling process, 	Dispute Resolution Board (DRB)
3.3	The decision of the DRB is forever binding in the matter under appeal.	All
3.4	Should the appellant still be dissatisfied after having gone through the Disputes process as described above, then Carbon Check is compelled to advise the appellant of the option to complain to the Board.	Executive director

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Step	Activity	Responsibility & Authority
4	Complaints Handling Procedure	
4.1	<p>Receiving and logging complaints</p> <ul style="list-style-type: none"> - Log any complaint received using the Action Form process (Proc 1.1 and FM 1.2 and FM 1.3) - Refer the complaint to the Executive director, or appointed independent person, if the Executive director was involved in the validation or verification related to the complaint - Ensure that those who handle the complaint are different to those who carried out the validation or verification. If no-one independent is available within Carbon Check, refer the matter to the Disputes and Impartiality Panel. - Send an acknowledgement of receipt of the complaint to the complainant. <p>Note: Complaints may be received from any source and all need to be evaluated for validity as per the procedures below.</p>	Compliance Officer
4.2	<p>Evaluate the complaint</p> <ul style="list-style-type: none"> - Review the details of the complaint, and if necessary liaise with the complainant to gather additional information. - Evaluate the complaint to establish whether it is valid. - If it is not valid: communicate the outcome and justification to the complainant, and close the Action Form off. <p>If it is valid – continue</p> <p>Criteria for Validity of Complaints</p> <p>Complaints shall be considered valid:</p> <ul style="list-style-type: none"> o If the complaint relates to validation or verifications carried out by Carbon Check o If the complaint relates to actions carried out or caused by Carbon Check o If these actions are contrary to the requirements related to validations and verification as defined by the UNFCCC, CDM, ISO 14065, legislative requirements and/or the Carbon Check manual and procedures. <p>Complaints shall be considered invalid:</p> <ul style="list-style-type: none"> o If the above criteria are not met o If Carbon Check was acting in a manner necessary to fulfil the requirements listed above 	Executive director, or appointed independent person, if the Executive director was involved in the validation or verification related to the complaint
4.3	<p>Investigate the Complaints and take action</p> <ul style="list-style-type: none"> - Carry out an investigation of the valid complaints to determine the root cause where possible and to decide on appropriate actions. - Log the planned actions, with target dates on the Action Form. - Ensure the actions logged are implemented and their success tracked, as below. 	Executive director, or appointed independent person
4.4	<p>Tracking and Recording Complaints</p> <ul style="list-style-type: none"> - Ensure the complaint progress is captured onto the Action Form and maintain the Action Form register. - Follow up any overdue actions with the Executive director, or appointed independent person. - Give feedback/progress to the complainant where feasible - Ensure the information related to the complaint and complainant is maintained 	Compliance Officer

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Step	Activity	Responsibility & Authority
	confidentially	
4.5	Complaint Outcome <ul style="list-style-type: none"> - On completion of the investigation and actions as identified above, inform the complainant of the outcome of the investigation and the final notice of the end of the complaint. - Maintain a record of complaints 	Executive director
5	General	
5.1	Management Review <ul style="list-style-type: none"> - Include disputes, appeals and complaints in the Management Review, as per FM1.12 	Executive director
5.2	Publication of the Complaints, Disputes and Appeals Procedures <ul style="list-style-type: none"> - Ensure Carbon Check makes all interested parties aware, as and when appropriate, of the existence of the appeals/dispute process and the procedures to be followed. - Publish these on the Carbon Check website, as per Proc 1.5 	CEO and Compliance Officer
5.3	Pending judicial processes <ul style="list-style-type: none"> - Ensure that any pending judicial processes are logged onto the Register of Pending Judicial Processes (FM 1.13). - Report any cases where the matter is incompatible with Carbon Check's functions as a DOE to the UNFCCC Secretariat and ANSI. 	CEO with Compliance Officer

5. PROCESS METRICS

Measure	Responsibility	Frequency	Use of the data	Target
No. of disputes, appeals and complaints	Executive director	Annual	To manage trends in the nature of disputes, appeals and complaints.	Not more than one per year that are attributable to Carbon Check actions.
Reasons for disputes, appeals and complaints	Executive director	Annual	To manage trends in the nature of disputes, appeals and complaints reduce repetitive causes.	No target, but monitor trends to reduce repetitive causes.

6. REFERENCES & ASSOCIATED DOCUMENTS/SOFTWARE

6.1 Documentation References

Procedure: Action/Problem Management	Proc 1.1
Procedure: Legal requirements management	Proc 1.4
Procedure: Impartiality management process	Proc 6.0
Form: Action Form Register	FM 1.2
Form: Action Form	FM 1.3
Form: Management Review Agenda	FM 1.12
Form: Register of pending judicial processes	FM 1.13
Form: Impartiality Panel Terms of Reference and Procedures	FM 6.2

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Form: Carbon Check Disputes Panel Terms of Reference and Procedures

FM 8.1

Records Table

Record type/group	Responsibility	Access control/ Confidentiality	Minimum retention period	Disposal method
Records of disputes, appeals and complaints and related correspondence and records	Compliance Officer	Confidential	For ever	N/A
Register of Judicial Processes, and all associated records	Compliance Officer	As per Proc 1.4		

7. Revision History

Rev Date	Rev. No.	Brief Details of Changes
Aug 2009	0	New document
Jan 2010	1	Amended definitions under 1. Clarified complaints under 4.1 Added flow diag to clarify the process under 4.2 Added reference to Proc 6.0
April 2012	2	Added references to FM 8. Carbon Check Disputes Panel Terms of Reference and Procedures as well as FM 6.2 Impartiality Panel Terms of Reference and Procedures Taken out reference to FM 1.11 Carbon Check Impartiality & Disputes Panel Terms of Reference and Procedures
June 2012	3	Align to Accreditation Standard Version 4
July 2012	4	Updating of responsibility and authority
Sept 2012	5	Change responsibility from CEO to Executive director
May 2013	6	Inclusion and Clarification of ISO 14065 requirements

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