

Appeal & Review

Standard Operating Procedure

Valid from: 01/03/2020

Distribution: External

Certifier for



FAIRTRADE
INTERNATIONAL



Table of contents

1	Purpose	3
2	Application	3
3	Definitions	3
4	Confidentiality	3
5	Process	4
	5.1 Submission	4
	5.2 Confirmation	5
	5.3 Investigation	5
	5.4 Response	6
	5.5 Appeals against decisions	6
6	References	6

1 Purpose

This Standard Operating Procedure outlines the principles and responsibilities with regards to appeals and review requests.

Furthermore, it describes the process for handling appeals and reviews.

2 Application

This Standard Operating Procedure applies to all parties that are involved in the process, including the party raising the concern, the concerned FLOCERT customer, FLOCERT Credibility Assurance Unit and any other concerned FLOCERT staff member

3 Definitions

Review

An official request by the customer to review an Evaluation Decision.
Reviews of Evaluation Decisions are decided by the Review Committee.

The following decisions are considered Evaluation Decisions:

- To confirm non-conformities identified during an audit
- Whether or not to accept the corrective measures proposed by the customer
- Whether or not the objective evidence submitted by the customer brings them into compliance with the Fairtrade Standards

The Review Process is open to Fairtrade customers.

Appeal

An official request by the customer to revoke or reverse a Certification Decision. In the case of EDGE customers wanting to challenge the audit findings, the appeals procedure would apply.

The following decisions are considered Certification Decisions:

- To grant a Permission to Trade to a new producer organization
- To withdraw a Permission to Trade from a producer or trader
- To extend the validity of a certificate or Permission to Trade
- To suspend or lift the suspension of a certificate.
- To decertify customers

The Appeals Process is open to Fairtrade, EDGE and bioRe customers.

Appeal Committee – Review Committee

An internal quality control body that objectively supervises the decision-making process carried out within FLOCERT. Thus, it is responsible for guaranteeing a consistent interpretation of the Standards and for ensuring that operations are carried out with due diligence. As a company-internal body, its role is neither that of an external and/or official arbitration body nor a court-like institution.

4 Confidentiality

All submitted requests will be treated strictly confidential by the responsible staff in order to ensure that identities of involved parties are protected.

Where confidential information from the complainant such as workers, suppliers, buyers or other stakeholders would reveal the information provider's identity, FLOCERT will:

- Not disclose that confidential information to any other party except the responsible staff within FLOCERT on a need to know basis,
- Not use that confidential information in any way that may allow identification of the individual(s) or organisation(s) that provided the information.
- Use the confidential information to identify which aspects should be investigated.

5 Process

5.1 Submission

A request for Appeal or Review may be submitted:

- For Fairtrade customers: up to 14 calendar days after receipt of the Certification Decision or Evaluation Decision
- For EDGE and bioRe customers: up to 30 days from receipt of the final audit report.

If no Appeal or Review request is received within this timeframe, the decision becomes final and may not be reviewed or appealed against.

An Appeal or Review request does not alter the effectiveness of the Certification or Evaluation decision, until the Appeal/Review is granted by the relevant committee in its final decision (if it is). All restrictions applicable to a customer as a consequence of a Certification Decision remain in effect during the period of the appeal or review, regardless of the outcome thereof. The certification workflow is stopped, until the end of the appeal or review process and no additional documents should be uploaded to Ecert until a final decision is communicated

To file an Appeal or request a Review, the affected customer submits the corresponding documentation to the Credibility Assurance Unit at FLOCERT

- Fairtrade customers submit an appeal:
 - By sending the completed form **CA AppealReviewSubmission FO** to the email address credibility@flocert.net. The form can be requested from the responsible FLOCERT analyst or from Credibility Assurance Unit using the email address above, or
 - By filling the online submission form available on FLOCERT website (www.flocert.net).
 - Via telephone, skype or any other communication means where writing communications is not possible. The oral communication can take place using the phone number available on the official website.
- EDGE and bioRe customers submit a notice of appeal to the email address credibility@flocert.net, which sets out clearly and precisely the basis of the appeal. Besides, the appellant should support any allegations made in the appeal with as much relevant and objective evidence as possible. The notice of appeal shall:
 - Identify the alleged errors in the audit findings and/or certification decision or conclusions. And,
 - Explain in sufficient detail why it is claimed that the alleged errors made a material difference to the outcome of the audit or the fairness of the audit process. And/or,
 - Explain in detail how the certification body or its auditor/s failed to follow the EDGE/bioRe Requirements such that this substantially impaired the findings and/or certification decision/ conclusions

All requests for appeals and reviews must clearly state the reason(s) for disagreement with a certification or evaluation decision and need to be supported by information and evidence. Please note that an Appeal or request for Review will only be accepted by the Credibility Assurance unit if it is accompanied by or based on clear and credible information.

Reasons for requests may include, but are not limited to:

- a. Decisions based on irrelevant information, or information for which there is no credible basis. In general, hearsay is treated as information for which there is no credible basis;
- b. Failure to consider presented, relevant information in reaching a decision;
- c. Reasonable perception of bias against the appellant;
- d. Unreasonable delay in the decision-making process;
- e. Prejudicial procedural irregularities in reaching the decision;
- f. Disputes about facts relevant to the decision;
- g. Disputes about interpretations relevant to the decision.

During an appeal, only information which existed and was presented at the time the decision was made will be considered. Additional credible information presented and accepted during an appeal, which was not present at the time the original decision was taken, will not be used in the appeals process but passed on to the Operations Department to take this information into account in the further certification process, following the appeal.

5.2 Confirmation

FLOCERT's Credibility Assurance Unit will conduct an initial evaluation of the request and within 7 calendar days confirm receipt and inform the submitting party whether or not the submission contains an actionable Review or Appeal, or if the request should be dealt with according to a different procedure such as the Complaint Procedure.

Credibility Assurance maintains a log of all Appeals and requests for Review.

5.3 Investigation

Appeals Committee

The composition of the Appeal Committee is the following:

- At least one Director or Manager with at least three years of Fairtrade Certification knowledge
- At least one Director or Manager without certification knowledge, but with at least 3 years of tenure with FLOCERT
- A certification expert from the Assurance Scheme Unit

Three members constitute a valid quorum for Appeal Committee meetings. The Regional Manager whose region is affected by the Appeal are excluded from the Appeal Committee in order to avoid any conflict of interest.

Should a member of the Appeal Committee resign or cease to be a member, the Credibility Assurance Manager will nominate a replacement in line with the above criteria to the CEO who will decide on the replacement.

A representative of the Legal Department attends as an observer. The Credibility Assurance Unit documents the meeting and acts as moderator.

The Appeals Committee may invite external consultants to make submissions should they deem this necessary.

At the discretion of the certifier responsible for the decision being appealed, the case will either be presented to the Appeals Committee by the certifier himself or by the certification analyst responsible for the case. This person attends the meeting only to present the case to the Appeal Committee and to answer any questions they may have. She/he then leaves before the case is discussed or decided upon, in order to avoid any potential conflict of interest or influence over the Appeal Committee's decision.

The Appeal Committee decides on the presented cases by simple majority vote.

Review Committee

The committee is comprised of four FLOCERT certifiers (one per region) whose responsibility it is to decide on the validity of the review.

The person responsible for the evaluation decision under review presents the case to the committee but does not have a vote. The remaining committee members decide on the validity of the presented case by a simple majority vote.

As there are at least two certifiers per region, the responsibilities will alternate every year: one certifier will attend the Review committee meetings for a full year and then another certifier of the same region attends for the following year. In case a certifier is unable to attend a committee meeting during his regular “year of duty”, the certifier of the same region will back him/her up.

5.4 Response

The Appeal or Review Committee will make a decision within 35 calendar days after the formal confirmation of receipt of the request.

A decision can have the following outcomes:

- Original decision overturned: The decision being appealed against or reviewed will be changed by the Operations Department. The effect of this changed decision is explained to the appellant along with the communication of the decision.
- Original decision confirmed: The decision being appealed against or reviewed is confirmed and will not be changed. The Appeal/Review Committee will advise the Operations Department should any deadlines of the consecutive certification workflow need to be extended due to the proceedings of the appeal/review.

5.5 Appeals against decisions

Appeals against decisions made by the Review Committee will be heard by the Appeal Committee only if:

- The appellant can demonstrate that a final certification decision has been made; and,
- The appellant can indicate reasonable grounds highlighting why the Appeal Committee could come to a different conclusion on the same facts the Review Committee was confronted with

Appeals against decisions made by the Review Committee are not automatically heard and all requests for such appeals are evaluated according to the criteria mentioned above. Only when the Appeal Committee is convinced that these criteria apply will the appeal be heard. Please note also that a decision taken by the Appeal Committee is final and that no Appeal will be accepted to this decision.

6 References

- CA Complaints SOP
- CA AppealReviewSubmission WI
- CA AppealReviewSubmission FO