

OPERATING PROCEDURE

APPEALS PROCEDURE

OP002 - 08

References:	
R 47 - 03	19 / 22.1
Policies	PM001 PAR8.7
Procedures	OP004.4 / OP012 / OP014 / OP015 / OP017 / OP024
Forms	F008 / F018 / F019B / F020
Other	

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1 Purpose

- 1.1 The purpose of this document is to describe the process and procedure to follow, where a dispute arises between the measured entity and the verification agent as a result of B-BBEE verification conducted.
- 1.2 An appeal is an application whereby the measure entity requires the rating agency to reconsider or revisit the finding or specific aspects of the verification process to which there might be disagreement.

2 Scope

- 2.1 The scope of this procedure will cover the verification manager's recommendations on appeals lodged by the measured entity and / or the appeals investigation done by the Head of Verification as well as decisions that follow.

3 Definitions

Appeal: make a serious, urgent, or heartfelt request for a situation to be reanalyzed or re-looked at.

Committee: a group of people appointed for a specific function by a larger group and typically consisting of members of that group.

4 Responsibilities

- 4.1 The Office Administrator is responsible for sending the **Acknowledgement of receipt of Appeal (F008)** to the Measured Entity.
- 4.2 The Office Administrator will allocate the unique number to the Appeal and keep track via the **Appeals & Complaints Register (F020)**.
- 4.3 The Verification Manager is responsible for the appeals that are lodged and will convene an Appeals & Complaints Committee as per 5.4 below.
- 4.4 The Verification Manager will provide feedback to the Measured Entity in writing with regards to the outcome of the Appeal lodged.

5 Procedure

- 5.1 The procedure for handling appeals will be made publicly available on RVN Empowerment's website. All employees will also be briefed on this procedure so that they can advise clients that may enquire about it.
- 5.2 Where the measured entity disagrees with the B-BBEE verification, the onus is on the measured entity to explain the reasons for this disagreement in writing to the verification manager concerned, within 3 (three) days from receiving the rating. The measured entity will complete an **Appeals Form (F019B)**, and submit it to the rating agency. The office administrator will acknowledge receipt of the document by completing and sending the **Acknowledgement of receipt of Appeal (F008)** to the measured entity. The office administrator will allocate a unique number used to track the appeal and record it on the **Appeals & Complaints Register (F020)**.
- 5.3 The **Appeals Form (F019B)** will be referred to the verification manager of the rating agency. The rating agency is responsible for all decisions taken regarding appeals lodged against the agency by measured entities being verified.
- 5.4 The verification manager will convene the Appeals & Complaints Committee as per Procedure: **Establishing of Committees (OP017)**, and the Terms of Reference in point 6 below, who will investigate the measured entity's reasons for appeal, and provide one of the following to the verification manager:
 - A re-evaluation of all the evidence by the committee as per Procedure: **Verification Process (OP004.3)**.
 - Confirmation of the original verification conducted by the verification analyst assigned to conduct the initial B-BBEE verification.
- 5.5 The committee members investigating is always independent from the original verification. If the committee consists of 2 members to resolve the appeal and both members are not in agreement, a third person will be brought in to provide the final resolution. This is ensured by the verification manager who will review the original client files for the names of the verification team on the **Declaration of Conflict of Interest (F018)**.
- 5.6 The recommendation will be submitted to the verification manager on re-evaluation completion for final approval. The client will not incur any additional costs when lodging an appeal, whether the appeal is successful or not.
- 5.7 Operating Procedure: **BEE Verification Certificates & Logos (OP004.4)** will be followed.
- 5.8 The certificate will be re-issued using the original certificate number together with a new version number, the expiry date will remain.

- 5.9 The appeal procedure will be resolved within 30 (thirty) days from the initial lodging of the appeal by the measured entity.
- 5.10 The measured entity will be informed by the verification manager in writing of the outcome of the appeal. Decisions on appeals will not result in any discriminatory actions against the measured entity who lodged the appeal.
- 5.11 Appeals are reviewed annually at the management review together with **Root Cause Analysis (OP024)** and corrective actions taken to ensure operational efficiency.

6 Terms of Reference

TERMS OF REFERENCE: APPEALS & COMPLAINTS COMMITTEE

- a. Purpose and Objectives of the committee:
The Appeals & Complaints Committee must investigate all complaints and appeals, using root cause analysis (OP024) techniques outlined in Procedure: Root Cause Analysis, thoroughly, objectively and accurately within 30 (thirty) days from receipt of the complaint or appeal.
- b. Output expected and the timeframes in which the output is expected
Root cause analysis.
Solution recommendations.
Final decision communicated in writing to the verification manager.
Corrective action recommendations.
Progress reports every two (two) weeks in writing to the verification manager.
- c. The schedule and location of meetings for the committee
Ad hoc: As and when complaints / appeals are received then:
Weekly at the rating agency's offices
- d. Competency requirements of committee members
Committee members must have a minimum level 3 in all competencies defined in the Individual's Skills Assessment. The person with the most experience will be appointed chairperson. Committee members will change depending on the complaint/appeal origination to ensure impartiality.
- e. Number of committee members required
Minimum 2 (two) committee members.
- f. Balance of interest consideration of the committee members
All employee records will be scrutinized by the verification manager to ensure impartiality as well as the measured entities file to ensure independence from the original verification.
- g. Agenda:
Welcome
Apologies
Review of Appeal
Review of Original documentation
Investigation

Recommendations
Decision
Date of next meeting

- h. Format of minutes of committee meetings
Minutes to be taken by the chairperson

Issue discussed	Investigation/ Recommendation	By Whom	Date

7 Records

- 7.1 Acknowledgement of receipt of Appeal (F008)
- 7.2 Declaration of Conflict of Interest (F018)
- 7.3 Appeals Form (F019B)
- 7.4 Appeals & Complaints Register (F020)