



NETWORK FOR CERTIFICATION AND CONSERVATION OF FORESTS (NCCF)

**Procedures for complaints and appeals investigation and resolution**

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**NCCF-STD-DRP-ToF 01 /2019**

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## **Foreword**

The Network for Certification and Conservation of Forests (NCCF) is a not for profit organization registered under Societies Registration Act, 1860. NCCF is involved in developing Forest Certification scheme in the country. It is an institutional mechanism to ensure collaborative and streamlined efforts for development of National Forest Certification System and Standards. It aims to promote the implementation of improved Forest practices in the country and further the development of healthier, sustainable: economically beneficial, environmentally responsible and socially appropriate in accordance with national policies, institutional frameworks and sustainability usage norms.

The Network for Certification and Conservation of Forests (NCCF) is the National Governing Body of the National Forest Certification Scheme and Standards (NFCSS) and has overall responsibility for the smooth working/functioning of the NFCSS while maintaining its credibility.

This document describes the procedures to be followed for the investigation and resolution of the disputes in the NFCSS.

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## 1. Scope

This document covers the requirements for the procedure to be adopted by the NCCF for dealing with the different types of complaints and appeals submitted by stakeholders, their investigation and resolution.

## 2. Normative References

The following referenced documents has been referred while preparing this document:

- a. GL 7/2007, PEFC Council Procedures for the Investigation and Resolution of Complaints and Appeals
- b. ISO 17003 : Conformity assessment – Complaints and appeals – Principles and requirement

## 3. Disputes

Types of disputes:

**3.1 Disputes involving NCCF:** Disputes involving NCCF about its normative framework, the performance, as the PEFC NGB which has overall responsibility for the PEFC Scheme implementation.

**3.2 Disputes not involving NCCF:** The types of Disputes covered under this head are as under

- a. Disputes against organization/Certificate holder certified by Accredited Certification Body regarding the logo usage of the NCCF and PEFC, and any other non-compliance if received, shall be referred to the concerned certification body with the request that it be dealt with in accordance with their complaint redressal mechanism and findings intimated to NCCF secretariat also.
- b. Disputes expressed to Accreditation board relating to the activities of an accredited CB, such complaints related to the activities of a certificate holder shall be first directed to the relevant CB and can be dealt as per their Resolution standards. However if remains unresolved then the same shall be taken up by the Accreditation Board as per their resolution systems.
- c. If both the systems fail to solve or provide a satisfactory solution then an appeal may be forwarded to the NCCF. The findings and decisions done by the CB and Accreditation body shall be intimated to NCCF secretariat as well.

#### **4. Dispute Resolution Committee (DRC)**

- 4.1. Chairman of DRC will act as authority for investigating the complaints.
- 4.2. DRC will act as the authority for hearing the appeals.
- 4.3. DRC shall be appointed by the Governing Body (GB) for a two-year term, which is renewable.
- 4.4. Any complaints/appeal against the DRC will be dealt by the GB of NCCF.

#### **5. General Requirements**

Any dispute related to the NCCF Certification Scheme shall be treated with procedural fairness and incorporate the following guidelines:

- 5.1. The Chairman of DRC making a decision should declare any personal interest they may have in the proceedings.
- 5.2. The complaints shall:
  1. Contain the name and contact information of the complainant.
  2. Specify against which organization the complaint is submitted.
  3. Describes the basis of the complaint.
  4. Specify which specific requirements have not been complied.
  5. Contain evidence to support each element or aspect of the complaint.
  6. Indicate whether and in what form the issues have been raised with the defendant prior to lodging the complaint and what response was provided.
  7. Contain an agreement to adhere to the terms and provisions.
- 5.3. The appeal shall:
  7. Contain the name and contact information of the Appellant and be signed by the legal representative of the appellant or by the individual in question if the appeal is not filed by an organization.
  7. Be written in one of the official NCCF languages.
  7. Specify the decision that is being appealed and the grounds on which the appeal is made.
  7. Be accompanied by relevant documented evidence.
  7. Indicate what steps were taken to resolve the issue prior to lodging the appeal.
  7. Contain an agreement to adhere to the terms and provision.
- 5.4. Only disputes that meet all conditions indicated in *Clauses c & d* above shall be evaluated.
- 5.5. All parties involved in the process should refrain from commenting publicly on the appeal until a decision is made and all parties have been informed accordingly.

- 5.6. NCCF shall determine, together with the concerned parties, including the complainant, whether and, if so to what extent, the subject of the complaint and its resolution shall be made public.

## 6. Complaints

- 6.1. Complaints should be resolved in the first place by discussion and negotiation or mediation. Formal procedures, including committees, should only be adopted as a last resort.
- 6.2. Complaints against NCCF certified organizations about their compliance with the NCCF certification requirements are dealt with by the Certification Body who issued the certificate and processed according to the Certification Body's own complaint procedure and findings intimated to NCCF secretariat also.

**Note:** NCCF strongly suggests stakeholders to resolve their grievances in the first place by discussion and negotiation with the NCCF Certified organization.

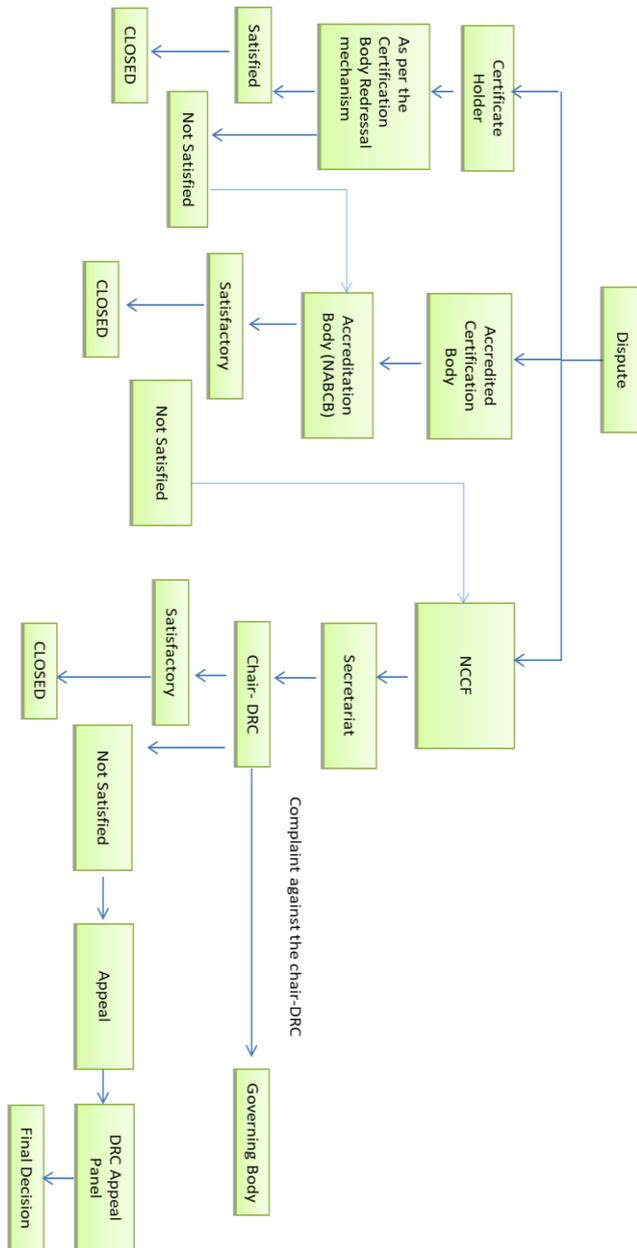
- 6.3. The complainant may withdraw the complaint at any time of the process, at the Complainant's sole discretion.
- 6.4. The Secretariat shall forward copies of the complaint (and its supporting documents) to the Chair of the DRC.
- 6.5. The Director General (DG), NCCF is nominated person for receiving the complaints and forwarding the same to the DRC Chair along with the relevant information and documents. He will be assisted by the secretariat staff of NCCF.
- 6.6. The DG shall acknowledge receipt of all disputes in writing after receiving the complaint and forward the same to the DRC
- 6.7. The DRC shall analyze by which process the complaint shall be dealt with and inform the related complaint handling body and the Complainant.
- 6.8. For complaints related to NCCF, the investigating authority (DRC chair) shall examine the complaint, call for any details and investigate it in the appropriate manner, without any prejudice. If felt necessary, investigating authority may give an opportunity to the complainant and the party complained against, to be heard in person during investigations.
- 6.9. Additional information may be requested from the complainant, the defendant, third parties named as sources of information in the complaint or other Parties likely to have information relevant to the investigation.
- 6.10. The investigating authority shall record its decision which will be communicated by the NCCF secretariat to the complainant.
- 6.11. If relevant, NCCF secretariat shall take any follow up action required on the decision of investigating authority.
- 6.12. If no further issues arises, the complaint is considered resolved and the respective case file closed.

- 6.13. The lack of cooperation by the complainant may be considered as grounds for discontinuation of the process. The chair of DRC shall decide if a complaint process shall be discontinued.

## 7. Appeals

- 7.1. Any concerned person or entity not satisfied with any decision of NCCF may prefer an appeal.
- 7.2. Appeal shall be made by the concerned party within 30 days of the receipt of decision by it, indicating the specific decision appealed against.
- 7.3. The DG may however, condone the delay beyond 30 days, if satisfied about the genuineness of the reasons for delay.
- 7.4. Only the entity that was subject to the adverse decision is eligible to lodge an appeal.
- 7.5. Appeals may be withdrawn by the appellant, at the appellant's sole discretion, until the first sitting of the DRC on it.
- 7.6. The DG shall make an entry in the appeals register, acknowledge the appeal and inform the appellant that it will be kept informed of the progress
- 7.7. The NCCF Secretariat shall forward the appeal along with the relevant documents to the chair of DRC.
- 7.8. Under normal circumstances DRC shall decide on the dispute solely on the basis of the briefs submitted to them. In exceptional circumstances, the DRC may do any or all of the following:
- a. request supplemental briefing on any pertinent matter from any of the parties to the dispute;
  - b. seek assistance from the Secretariat;
  - c. seek the assistance of consultants or outside experts; and/or
  - d. hold site visits, oral hearings or other proceedings that might help resolve the dispute.
  - e. may give opportunity of being heard in person to both sides
- 7.9. The Appellant has the right to object to the appointment of any member of the DRC, with valid reason(s), such as conflict of interest. The DRC may consist of only one person if appropriate knowledge, independence and impartiality can be demonstrated.
- 7.10. The appeals committee, after considering the relevant facts, shall evaluate, validate and record its decision.
- Note:** Unless it involves some visits, it is expected that DRC will give its decision within 30 days and whole process is completed within 60 day.
- 7.11. The decision of the DRC shall be binding to all parties and no further appeal on the same matter shall be accepted.
- 7.12. The NCCF Secretariat shall communicate the outcome of the appeals process to the appellant of the decision being taken.

- 7.13. NCCF secretariat shall take follow up action as per the decision of DRC.
- 7.14. The lack of cooperation by the Appellant may be considered as grounds for discontinuation of the process. The DRC shall decide if an appeals process shall be discontinued.



**Information to be submitted about the complaint**

1. Details of the applicant (contact and other organization details)
2. Subject of the complaint
3. Type of dispute
4. Specification of the issues and events that lead to complaint
5. Evidence, if any in support of the complaint (provide an overview, a description and attach supporting documents).
6. Agreement in support of the DRC mechanisms.
7. Any other relevant information.

## Annex 1: Terms and Definitions

For the purpose of this standard, unless the context otherwise requires, the following definitions shall apply.

**Appeal:** Formal request by a stakeholder subject to a decision for reconsideration of any adverse decision made by the NCCF with regard to the NCCF Certification Scheme.

**Appellant:** individual or organization filing an appeal.

**Complaint:** Written expression of dissatisfaction (other than appeal) by any person or organization which relates to the activities of the NCCF.

**Complainant:** person or organization filing a complaint.

**Certification Body:** Third party conformity assessment body (CAB) operating certification scheme.

**Defendant:** person or organization against whom a complaint has been filed.

**Dispute:** Umbrella term covering the complaints and appeals submitted to/Related to NCCF.

**Dispute Resolution Committee:** The DRC is the independent committee established by the Governing Body of the NCCF to consider and resolve the types of disputes mentioned in these procedures. The management of the NCCF shall serve as the Secretariat for the DRC.