

<i>Guidelines</i>		
<b>PEFC Council procedures for the investigation and resolution of complaints and appeals</b>	Adopted on 28 <sup>th</sup> June 2007	<b>GL7 /2007</b>

## **PEFC Council procedures for the investigation and resolution of complaints and Appeals**

### **1. OBJECTIVE**

The objective of this guideline is to describe the responsibilities and actions of the PEFC Council and the PEFC National Governing Bodies in relation to the investigation and resolution of complaints and appeals.

The PEFC Council regards all complaints and appeals as opportunities to improve its services and implement corrective and preventive measures. The PEFC Council is committed to monitoring and achieving continual improvement in all areas of its activities and those of its members.

### **2. SCOPE**

This guideline details procedures for complaints and appeals to the PEFC Council which concern decisions and/or activities of the PEFC Council or its members. Complaints and appeals relating to the decisions and activities of a certified entity; an accredited certification body or an accreditation body shall be dealt with by the complaints and appeals procedures of the relevant accredited certification body; accreditation body; or by the International Accreditation Forum.

This guideline was approved by the Board on 28<sup>th</sup> June 2007.

### **3. DEFINITIONS**

#### **Complaint**

Written expression of dissatisfaction (other than appeal) by any person or organisation which relates to the activities of the PEFC Council and/or PEFC National Governing Bodies,

#### **Appeal**

Written request by a PEFC National Governing Body or other party (the appellant) for reconsideration of any decision made by the Board of Directors, or Secretary General where the appellant considers such decision have been taken in breach of the PEFC Council's requirements or procedures.

**Note:** Such adverse decisions may include::

- Suspension or termination of PEFC membership,
- Suspension or termination of the endorsement of a forest certification scheme,
- Negative recommendation by the Board of Directors on the scheme endorsement,

- Refusal to approve an interruption of the scheme assessment process,
- Refusal of application for usage of the PEFC Logo
- Refusal of application for the PEFC notification

#### **4. COMPLAINTS**

- 4.1 Complaints submitted to the PEFC Council shall be limited to concerns, or issues, regarding the PEFC Council and / or PEFC National Governing Bodies' compliance with the PEFC Council's requirements for forest certification schemes.
- 4.2 In the event of a complaint being made about the activities of a PEFC National Governing Body, the PEFC Council's role is an indirect one in that it must ensure that the complaint has been dealt with by the PEFC National Governing Body through its own complaints / appeals resolution procedures and through direct discussion with the complainant, and through direct discussion with the complainant.
- 4.3 It is the responsibility of the complainant to provide relevant documentation to the PEFC Council to demonstrate that the complaint has already been submitted for investigation through the PEFC National Governing Body's complaints / appeals procedures and that the PEFC National Governing Body has not been able to make satisfactory progress within a reasonable timeframe.
- 4.4 It is the responsibility of the complainant to submit written information supporting the complaint which can be verified as accurate and correct through an independent source..
- 4.5 Complaints submitted regarding a specific certified entity shall be referred to the relevant certification body's own complaints / appeals resolution procedure.
- 4.6 Complaints submitted regarding a specific accredited certification body shall be referred to the relevant accreditation body's (or bodies') own complaints / appeals resolution procedure.
- 4.7 Complaints submitted regarding a specific accreditation body shall be referred to the International Accreditation Forum's complaints / appeals resolution procedure ([www.iaf.nu](http://www.iaf.nu)).
- 4.8 Regardless of the outcome of any complaint, the complainant and the PEFC Council will each meet their own costs.
- 4.9 It is expected that any formally accepted complaint, not requiring an on-site investigation, should normally be resolved within 6 months.

#### **5. APPEALS**

- 5.1 Appeals submitted to the PEFC Council shall be limited to the decisions made by the PEFC Council's Board of Directors, or the PEFC Council Secretary General except where decisions are a result of a resolved appeal.
- 5.2 It is the responsibility of the appellant to submit written information which can be verified as accurate and correct through an independent source.

- 5.3 Regardless of the outcome of any appeal, the appellant and the PEFC Council will each meet their own costs.
- 5.4 It is expected that any formally accepted appeal, not requiring an on-site investigation should normally be resolved within 6 months.

## **6. COMPLAINTS AND APPEALS ACCEPTANCE**

- 6.1 All complaints and appeals shall be addressed in writing to the PEFC Council Secretary General (hereinafter “the Secretary General”).
- 6.2 The Secretary General decides on formal acceptance:
  - a) of the complaint and its further investigation provided that the complaint is in accordance with 4.1 and 4.2 and the information supporting the complaint can be authenticated as being in compliance with 4.4,
  - b) of the appeal and its further investigation provided that the appeal is in accordance with 5.1 and the information supporting the appeal can be authenticated as being in compliance with 5.2.
- 6.3 The Secretary General shall without delay:
  - a) acknowledge to the complainant / appellant (in writing) the receipt and subject of the complaint / appeal or rejection of the complaint / appeal with justification if it is not in accordance with clause 4.1, 4.2 or 4.3 (in case of the complaint) or 5.1 (in case of the appeal).
  - b) provide the complainant / appellant with details of the PEFC Council’s complaints and appeals procedures to ensure that they are clearly understood and refer the complainant / appellant to other parties responsible for resolving the matter as indicated in clauses 4.5 – 4.7.

## **7. COMPLAINT INVESTIGATION AND RESOLUTION PROCESS**

- 7.1 If the complaint relates to the activities of a PEFC National Governing Body, the Secretary General shall formally bring the complaint and any relevant facts to the notice of the relevant PEFC National Governing Body, and ask the PEFC National Governing Body to provide, within 30 days, a full account of how the complaint has been dealt with, and the outcome.
- 7.2 If the report has not been received from the PEFC National Governing Body, or it has not proved possible to resolve the matter satisfactorily, or where the matter relates to the PEFC Council, the PEFC Council Chairman shall, in conjunction with the Executive Committee, assign an ad-hoc Task Force Group (TFG), comprising one or more persons, to investigate the complaint. The investigator(s) shall have no vested, or conflict of, interest in the complaint.
- 7.3 The TFG shall undertake a thorough investigation and seek a resolution. The TFG shall submit in a timely matter, a detailed written report, to the PEFC Council Chairman and the Secretary General shall present it to the Board of Directors. The report shall include a statement indicating whether, or not, the complaint has been substantiated and recommendations on resolving the complaint.

**Note:** it is expected that complaints not requiring an on-site investigation should normally be investigated by the TFG within 1 month.

- 7.4 The Board of Directors shall approve or disapprove the conclusions of the report, including recommendations or remedial actions.
- 7.5 The Secretary General shall inform the complainant and other interested parties about the outcomes of the complaint resolution process, in writing.

## **8. APPEAL INVESTIGATION AND RESOLUTION PROCESS**

- 8.1 The PEFC Council Chairman shall, in conjunction with the Executive Committee, assign an ad-hoc TFG, comprising one or more persons, to investigate the appeal. The investigator(s) shall have no vested, or conflict of, interest in the appeal and shall not be involved in the appealed decision.
- 8.2 The TFG shall proceed with a thorough investigation of the appeal and submit, in a timely manner, a detailed written report, to the PEFC Council Chairman and the Secretary General who will present it to the Board of Directors. The report shall include a statement indicating whether, or not, the appeal has been substantiated and recommendations on resolving the appeal.

**Note:** it is expected that appeals not requiring an on-site investigation should normally be investigated by the TFG within 1 month.

- 8.3 The Board of Directors shall make a final decision on the appeal based on the TFG report. In the case of an appeal against a Board decision not to recommend a forest certification scheme for PEFC endorsement (Annex 7, chapter 6.2.2) the final decision will be made by the PEFC Council General Assembly.
- 8.4 The Secretary General shall inform the complainant / appellant and other affected parties, about the outcomes of the appeal resolution process.

