



P 05-12

COMPLAINTS, APPEALS AND DISPUTES (CAD) PROCEDURE

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Issued by: AQRATE

Approved by: Chief Executive Officer

1. Purpose and Scope

AQRATE acknowledges that there is a possibility that the client might wish to appeal their rating outcome and that they have the right to do so within reason. Similarly, should a client or any stakeholder feel dissatisfied in any way with the verification process, then this too needs to be assessed by AQRATE, with the view to ensuring that there is a quick and mutually agreeable resolution, at all times using objective and impartial staff who have not to date been involved or are planning to be involved with the Measured Entity at any point.

The purpose of this document is to define how appeals, complaints and disputes are handled by AQRATE. This document is applicable to all Measured Entities verified by AQRATE and all clients of the Measured Entity (users of the BEE Verification Certificate). Should the nature of the client request not meet any of the definitions below, this may be seen as a re-evaluation process, whereby the client will be charged an additional fee to review the elements in question. This process is guided by the Re-evaluation procedure (**P23**).

2. Definitions

Complaint

- A complaint relates to an issue raised with a procedure followed by the analyst or the behavior of an analyst whilst performing the verification.

Appeal

- An appeal relates to a technical issue relating to the score awarded to the client.

Dispute

- A dispute arises in the absence of finding closure to the appeal or complaint, should either party not accept the outcome.

3. Timeframe

It is AQRATE's policy to clear all complaints, appeals and disputes (CAD) within a maximum of 30 days from the CAD being lodged. Should circumstances arise that prevent AQRATE from meeting this timeline, it will immediately be communicated to the complainant.

4. Lodging of Complaints, Appeals and Disputes (CAD)

- All CADs lodged with AQRATE should be received by AQRATE within one (1) calendar month of the event that caused the CAD.
- The CEO or delegated authority will record all CADs dealing with verification matters in the Complaints Register (F15). The CEO or delegated authority will file all communication regarding the CAD in the Complaints File.

5. Complaints Procedure

Complaints can be lodged at any stage in the process as long as this is done using the requisite documentation.

- When complaints are received, the CEO or delegated authority must forward the complaints form (F01) to the complainant. It is imperative that the complainant is assured that the matter will be dealt with in a professional, honest, impartial and confidential manner.
- The complainant must complete the form (F01) in detail and return to the CEO or delegated authority by scanning and emailing; the CEO or delegated authority will send confirmation of receipt to the complainant.
- Upon receipt of the complaint the CEO or delegated authority will appoint a Technical Signatory that has not had any prior involvement with the complainant or Measured Entity to investigate the complaint.
- The appointed Technical Signatory will sign the necessary confidentiality and impartiality undertakings contained in "Selection and Contracting of the Verification Team" (F10) before reviewing the client file.
- The Verification Analyst that conducted the original site-visit will not be involved in the investigation of the complaint.
- The appointed Technical Signatory must then investigate the complaint in detail and record his/her findings on the complaints form (F01)
- The Technical Signatory may then recommend a proposed Corrective Action to resolve the complaint in terms of the Corrective Action Procedure (P13). Once the Corrective Action has been implemented, the Technical Signatory will inform the client in writing of the outcome and the solution.
- Once the client is satisfied that their complaint has been resolved, the Technical Signatory will forward the completed form (F01) to the CEO to approve the closure of the complaint.
- If the complainant is still not satisfied with the outcome, then a normal dispute process will follow.
- All documentation relating to the complaint will be filed in the complaints file.

6. Appeals Procedure

An appeal against a verified score will need to be lodged at the end of the process once the client has received confirmation of their BEE Status and Verification Certificate and Report from AQRATE.

- When appeals are received, the CEO or delegated authority must forward the CAD Form (F01) to the client. It is imperative that the client is assured that the matter will be dealt with in a professional, impartial and confidential manner.
- The client must complete the form (F01) in detail and return to the CEO or delegated authority by scanning or by fax;
- The CEO or delegated authority will send the client confirmation that the appeal has been received.
- Upon receipt of the appeal the CEO or delegated authority will appoint a Technical Signatory that has not verified this client before to investigate the appeal. The Technical Signatory will sign the necessary confidentiality and impartiality undertakings contained in "Selection and Contracting of the Verification Team" (F10) before reviewing the client file. The verification analyst that did the original site-visit will not be used in the investigation of the complaint. The appointed Technical Signatory must capture the appeal on the complaints register (F15) and allocate a reference number.
- The appointed Technical Signatory must then investigate the appeal in detail and record their findings on the form (F01). In the event that an error was detected, AQRATE will issue a new certificate reflecting the updated rating and expiry date, in accordance with the procedure for Re-issuing of Verification Certificates (P22). The issue of the revised certificate shall be at no charge to the Client. The Technical Signatory will recommend a proposed Corrective Action to resolve the appeal. Once the Corrective Action has been implemented, the Technical Signatory will inform the client in writing of the outcome and the solution.
- Once the client is satisfied with the outcome of the appeal process, the Technical Signatory will forward the completed form (F01) to the CEO or delegated authority to approve the closure of the appeal.
- If the client is still not satisfied with the outcome, then normal dispute process will follow.
- All documentation relating to the appeal will be filed in the complaints file.

7. Dispute Procedure

The Parties shall endeavor to resolve the CAD by negotiation. This entails one of the Parties inviting the other in writing to meet and to attempt to resolve the CAD within 7 (seven) days from date of written invitation.

7.1.1. If the dispute has not been resolved by such negotiation within 7 (seven) days of the commencement thereof or such other extended time period as the parties may agree to, then the Parties shall:

7.1.1.1. Submit the dispute to mediation to be administered by the Arbitration Foundation of Southern Africa, upon such terms as agreed between the Parties and the secretariat of the Arbitration Foundation of Southern Africa; and

7.1.1.2. Failing agreement of aforesaid within 7 (seven) days of the CAD being submitted to mediation, the parties shall refer the CAD to arbitration as provided in clause 7.1.3 below.

7.1.2. The decision of the mediator shall become final and binding within 7 (seven) days of delivery thereof to the Parties, unless one or either of the Parties disputes the mediator's decision by written notice to the other Party within the aforesaid 7 (seven) day period, in which event the dispute shall be referred to arbitration in accordance with the provisions of clause 7.1.3 below.

7.1.3. Failing agreement as referred to in clause 7.1.1.2 above or in the event of either of the Parties furnishing its notice of dispute within 7 (seven) days of the mediator's decision as envisaged in terms of clause 7.1.2 above, the dispute shall be submitted to arbitration for final resolution in accordance with the rules of the arbitration Foundation of Southern Africa by an Arbitrator or Arbitrators appointed by the Foundation.

7.1.4. The decision of the mediator and/or arbitrator shall be entered into the Complaints Register.