



APPEALS PROCESS

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1. Introduction

- If a Client believes that the B-BBEE scorecard issued by Ikamva Verification Services does not accurately reflect its B-BBEE status, it is entitled to register an appeal within 14 days from the issue date of the Verification Certificate.
- Ikamva Verification Services undertakes to investigate and evaluate whether, on the basis of the information available, the allocated score is a valid reflection of the Client's B-BBEE status.
- It is imperative that the client is assured that the matter will be dealt with in a professional, impartial and confidential manner.

2. Purpose

- The Appeals procedure aims to address appeals in an objective and transparent manner and to provide the Client with a report on the outcome of the appeal within 30 working days from receipt of the appeal.

3. Procedure

- All appeals are received by Administration, who was not involved in the performance of the verification work for the respective measure entity.
- Administration informs the Client of the appeals process and what it entails. Administration then provides the Client with an Appeals Procedure Form (**IKA-01-APP**) to be completed.
- Administration will send the client confirmation that the appeal has been received.
- An entry on the Appeals register is made to record the appeal.
- Administration, then forwards the appeal to the Appeals Committee.
- The Appeals Committee, consists of individuals who were not involved in the verification relating to the Appeal.
- The Appeals Committee may co-opt experts, or outsource to interested parties (i.e. SANAS accredited verification agency) from the industry to the committee on either a permanent or temporary basis.
- The Appeals Committee may appoint a Technical Signatory and Verification Analyst who were not involved in the verification of the measured entity, if needed.
- Any member appointed to the Appeals Committee that has any conflict of interest with a Client under review shall recuse himself/herself from the proceedings pertaining to that Client.

- Any Member or co-opted experts, or outsourced interested parties who believes that his/her impartiality may be compromised for any reason whatsoever should disclose same to the Committee prior to the discussion and recuse him/her from the proceedings pertaining to that Client.
- Every member of the Committee or co-opted experts, or outsourced interested parties will sign an individual Standard Statement on Confidentiality, Impartiality, Conflict of Interest and Consultation on every verification matter on which he/she may do any work on.
- The Members of the Committee, who were not have been involved in the verification or the decision-making process, are responsible for ensuring that the appeal is conducted according to the documented procedure and within the Appeals Committee Terms of Reference **(IKA-01-ACT)**.
- The Appeals Committee evaluates all the existing material in the client file, together with the analyst's report and scorecard, for a review of its score;
- The Appeals Committee reviews the documentation for the verification of that Client to ensure that all steps were handled correctly in accordance with set procedures. The Committee keeps full records of the appeal, its deliberations on the merits and the results of its deliberation in the Appeals file and it further records the actions to be taken.
- On completion of the investigation (within the period of 30 working days), the client is advised, in writing, of the outcome of the Appeal;
- If the investigation confirms that the scorecard is an accurate and fair reflection of the Client's B-BBEE status, the Client is advised that the score has been confirmed; and
- If the Appeals Committee agrees that the score is not valid,
 - the Appeals Committee will appoint a Technical Signatory and Verification Analyst who were not involved in the verification of the measured entity.
 - this verification team will have to address the issues raised by the Appeals Committee and effect the recommended amendments.
 - thereafter, a new Verification Certificate and Scorecard will be issued.
- If the measured entity is not satisfied with the outcome of the appeal, the measured entity can submit the dispute to mediation to be administered by the Arbitration Foundation of Southern Africa, upon such terms as agreed upon between the Parties and the Secretariat of the Arbitration Foundation of Southern Africa;
- 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 below;

- Failing agreement as referred to 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 the above clause, 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;
- The decision of the mediator and/or arbitrator shall be entered into the Appeals Register.

4. Definitions

Appeal: relates to a technical issue relating to the score awarded to the client.