

## KFC CERTIFICATION SCHEME MANAGEMENT REGULATIONS

### F1.0 CERTIFICATION DECISION, APPROVAL, SANCTIONS, RESOLUTION OF COMPLAINTS, APPEALS AND DISPUTE PROCEDURE

#### 1.0 SCOPE

- a. The certification body is using the KFC Certification Committee and has in place a certification decision, approval, sanctions, resolution of complaints, appeals and dispute procedure compliant with this certification scheme procedure, for all the Flowers and Ornamentals Sustainability Standard (FOSS) audited and certified producers.
- b. The certification body has provided its certification decision, approval, sanctions, resolution of complaints, appeals and dispute procedure, on its official website for public information.

#### 2.0 NON-COMPLIANCE AND NON-CONFORMITY

- 2.1. Failure by the producer to comply with the standard or the agreements between the certification body and the producer is defined either as non-compliance or non-conformity respectively.

- a. **Non-compliance (of a control point / compliance criteria):** When a clause in the standard is not fulfilled according to compliance threshold e.g. the producer does not comply with clause "5.9.6S (c) - *If the seed has been treated for preservation purposes by the supplier, the evidence of the chemicals that were used is kept e.g. by maintaining records such as the seed packages*".
- b. **Non-conformity (of the Quality System Regulations):** A KFC certification scheme regulation or rule that is necessary for obtaining a certificate is infringed e.g. "the producer has not complied with clause "B1.3.2 - a 100% compliance of all the clauses designated "S" for silver certificate which are also major must and compulsory"

- 2.2. There are three types of non-compliance within the KFC auditing certification scheme: -

- a. Major must.
- b. Major contractual.
- c. Critical non-compliance.

- 2.3. There are three levels of non-compliance within the KFC auditing certification scheme as highlighted below: -

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
Prepared: August 2008	Approved by: TC on: 08-08-08	Revised: Sept 2024	Re-approved: Sept 2024	PUB. No. 05-25	Version: Sept 2024

- a. A **major must non-compliance** occurs when a producer fails to comply with one or more of the FOSS clauses designated as major must within the scope flowers and ornamentals.
- b. The Major Must non-compliance is recorded in case the auditor has detected failure to comply with the certification scheme standard; regulations and procedures within the criteria defined below: -
  - I. An occasional or isolated occurrence of the system failure.
  - II. An issue that presents low to medium risk to workers, environment on site or safety of consumers.
  - III. Lack of or incomplete policy, procedure, or document or where there is lack of evidence to demonstrate compliance to the standard.
  - IV. A misunderstanding where there is no evidence of material breach.
  - V. Demonstrable breach of the standard or the law.
  - VI. Systematic violation of the standard or the law.
  - VII. Lack of 100% compliance to the clauses except those designated "R" in the FOSS standard. Those designated "S" are major must for Silver certification and those designated "S" and "G" are major must for Gold certification.
  - VIII. The auditor must provide reference evidence in form of comments next to each major must clause in the checklist. There is no scoring system that is applied and the scores rounded up to attain the 100% mark.
  - IX. The producer is required to demonstrate satisfactorily compliance with every individual "S" and "G" clause in the standard checklist, as applicable.
- c. A **contractual non-conformity** occurs when: -
  - I. There is failure to comply with any of the signed agreements between the producer and the certification body e.g. none payment of applicable fees.
  - II. An issue is detected during the audit that leads to a technical doubt about the producer's way of proceeding with the application of the FOSS falls within the contractual major non-conformity.

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
Prepared: August 2008	Approved by: TC on: 08-08-08	Revised: Sept 2024	Re-approved: Sept 2024	PUB. No. 05-25	Version: Sept 2024

- d. Critical non-compliance** – Occurs; where a finding against a major must principal requirement has been detected, where and when there is: -
- I. A serious imminent threat to the safety of persons, environment and consumer is present.
  - II. A serious threat / risk to the reputation of the Certification Scheme.
  - III. A serious or significant violation of employee human rights.
  - IV. A proven attempt to fraud, coerce, deceive, intimidate or interference with the audit / auditors.
  - V. Clauses labelled “critical” in the standard e.g. those that have serious threat to the safety of persons, environment and consumers.
  - VI. A major non-compliance has not been satisfactorily addressed or no significant improvement has been made by the time of a follow up audit, in spite of supplier commitment to resolve the issue; the non-compliance is up graded major must to critical.
- e. A critical noncompliance is handled as follows: -**
- I. No time is given for critical non-compliance. The farm is required to take corrective actions immediately, and the producer may be suspended without delay in such circumstances.
  - II. The report is given to the certification scheme / certification body / the producer / the institution that had requested for the audit / and the evidence of compliance is required within 24 hours of the non-compliance detection.
  - III. Where the evidence of compliance is not provided within 24 hours of the non-compliance detection, the producer is suspended.

### 3.0 SANCTIONS

- 3.1.** The three types of sanctions applicable to the certified products and the producer on failure to comply with the FOSS and certification scheme agreements within the scope of the auditing and certification processes are: -
- a. Warnings
  - b. Suspensions
  - c. Cancellations
- 3.2.** The Scheme owners with valid certification agreements with KFC Certification Scheme, such as the GLOBALG.A.P. reserves the right to impose certain sanctions for certain non-compliances which affect their

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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standard. The details of these sanctions are documented by the Certification Bodies in the agreements between them and the registered producers. The producers are made aware of these requirements as agreed by the Certification Scheme in the contracts signed between the KFC Certification Scheme and the Scheme Owners.

**3.3.** Sanctions that arise during the certification, re-certification and un-announced audits or otherwise are not dependent on the certification cycle. A sanction remains valid until the non-compliance is satisfactorily closed.

**3.4.** Only the Certification Body can lift the sanction it has imposed.

#### **4.0 WARNINGS**

**4.1.** A warning is applied by the Certification Body in case of the following: -

- a.** In case non-compliance is detected and substantiated during the Initial Certification and Re-certification audits. The “warning” is raised on the on-line certification portal. The raised warning requires the producer to carry out satisfactory corrective actions and close the non-compliance within 28 days’ time frame.
- b.** However, the time given to close the non-compliance is dependent on the criticality of the non-compliance, in terms of safety of the people, environment, and consumers, as evaluated by the auditor carrying out the decision on the period for implementing the corrective actions. This time shall never exceed 28 days.
- c.** In case of detected non-compliance during an audit and lack of closure of non-compliance within three months for initial assessments; the following actions are taken: -
  - I.** For an initial certification audit, the status “open non-conformance status” is set in the GLOBALG.A.P. IT Systems and on the KFC certification scheme status register.
  - II.** If the cause of the warning is not closed within three (3) months, a complete audit is performed before a certificate is issued i.e. the initial report is annulled.
  - III.** This status of open non-conformance is not given to the producer group member products.

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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- d. The warning (noncompliance) is issued by the auditors during the closing meeting after the audit.
- 4.2. The Certification Body is downgrading the certified producer from the certified status if the previous certificate expires before all the detected non-conformities are satisfactorily addressed and evidence of compliance has not been received by the certification body and acknowledged within a 28 days' time frame after a re-certification audit.

## 5.0 PRODUCT SUSPENSIONS

5.1. The Certification Body is issuing product suspensions as follows: -

- a. Where, a certified producer has not provided satisfactory corrective action within 28 days' a suspension is imposed by the certification body, effective from the date or day after the 28-day time frame.
- b. No time is given for compliance where **a serious threat to the safety of persons, environment and consumer is present**, bringing the KFC Certification Scheme into disrepute, immediate corrective action is taken by the producer.
- c. Where, a suspension is required, and the certification committee meeting is not due within the next one month from the 28 days' time frame, the Certification Manager informs the chair of the certification committee to approve the suspension or cancellation from the audit. The suspension decision is ratified by the certification committee in the next meeting.
- d. A suspension is given to a producer who has requested voluntarily, of one, several or all of the products covered by the certificate (unless the certification body has already imposed a sanction).
- e. A suspension letter defines the time frame required for carrying out satisfactory corrective actions. The maximum suspension period is (6) six months or less as decided by the Certification Committee.
- f. If the suspension is voluntary the period for taking corrective actions is decided by producer and agreed by the Certification Committee or its chair person.
- g. If a producer notifies the certification body that the non-compliance is resolved before the defined period, the respective sanction shall be lifted, subject to provision of satisfactory evidence compliance and closing of the noncompliance.
- h. **Self-declared product suspension** - Suspension given to a producer who has requested voluntarily, of one, several or all of the products covered by the

certificate (unless the certification body has already imposed a sanction). This could occur if the producer experiences difficulty complying with the relevant audit standard and needs time to close any non-conformances. If the suspension is voluntary the following actions are taken by the certification body: -

- I. The deadline for closing non-conformances is set by the declaring producer in agreement with the certification body.
- II. This suspension will not delay the certificate renewal date, and does not warrant the producer from non-payment all the applicable fees.
- III. In the GLOBALG.A.P. IT Systems, the product status "Self-declared Suspension" shall be set for the respective products.
- IV. The status "Self-declared Suspension" is set in the GLOBALG.A.P. IT Systems and on the Kenya Flower Council Certification Register.
- V. The above applies for members of a producer group, who may voluntarily ask the respective producer group to temporarily suspend their products. The deadline for re-certifying non-conformances is set by the declaring group member, and shall be in agreement with the group QMS.

**5.2.** Suspension is applied to one, several or all of the products covered by the certificate. Partial suspension of part or parts of a product within the scope applied for is however not permitted, but rather the entire product is suspended.

**5.3.** No time is given by the Certification Body for compliance where a **serious threat to the safety of persons, environment and consumer** is present, bringing the KFC Certification Scheme into disrepute. The farm is required to take corrective actions immediately, and the producer may be suspended without delay in such circumstances. When such a threat is observed by the certification body auditors the following steps are followed to suspend the producer: -

- I. The auditors shall within the day of the audit apply due diligence and collect all the necessary information through records, photographs (where possible), and concerned personnel/community views on the current circumstances.
- II. The collected information is conveyed to the CB Certification Manager within the same day through the fastest means possible. The CB Certification Manager, shall assess the information presented to find out the extent of the noncompliance of the producer to comply to a given requirement as defined by the Certification Scheme Standards, or by law

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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i.e. level of impact to persons, environment, the product and the consumer.

- III. The CB Certification Manager shall prepare a report and submit the same to the CB CEO within one to two days.
  - IV. The CB CEO shall approve the report and forward the same to the KFC Certification Committee chair person, and in his or her absence the Vice-chair person, who shall decide on the way forward.
  - V. This decision shall be made within two days of receiving the report from the auditors.
  - VI. The decision to suspend shall be supported by objective evidence on the failure of the producer to implement the requirement of the FOSS or a breach of legal requirements falling within the scope of the requirement.
  - VII. The sanction communication shall be done via an official suspension letter.
- 5.4.** If a clear link has been established between a producer and public health outbreak by a reputable governmental regulatory authority, suspension of the certification shall be imposed while a review of the producer's certification is under investigation.
- 5.5.** The producer is prevented by the certification body from using the applicable trademarks/logos, certificate or any other claim linked to certification of the suspended product after the suspension.
- 5.6.** A suspension letter from the certification body is given to the producer, with one-month notice to cease the use of the trademarks/logo and the consequences for the failure to adhere. The consequence on failure to adhere may include: -
- a. The producer certification status is published on the certification body website.
  - b. Or any other action as may be agreed by the certification body.
- 5.7.** A suspension is maintained by the certification body until all the corrective actions are satisfactorily addressed and verified by the auditors, lifted and approved by the Certification Committee within the 6 months' period.
- 5.8.** Where a producer has been found by a court of law to have infringed a national or international law and these actions can endanger the reputation

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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and credibility of the Certification Scheme, and other scheme owners including GLOBALG.A.P., the following requirements are implemented: -

- a. The certification body shall suspend the producer's certificate with immediate effect.
- b. If the certification body fails to do so, the KFC certification scheme plus the other Scheme Owners with valid certification agreement with KFC scheme has the right to inform the accreditation body.
- c. The KFC certification scheme and GLOBALG.A.P. has the right to change the producer certification status in the KFC website and the GLOBALG.A.P. IT Systems not to display it as valid, the CB shall accept liability.

## 6.0 CANCELLATION

6.1. Product cancellation is issued by the certification body where: -

- a. A producer fails to comply on pending non-conformances within the 6 month's suspension period.
- b. A producer cannot show satisfactory corrective action after complete suspension of products, i.e. six months' suspension has been issued and has elapsed.
- c. Where the certification body auditors have found evidence of fraud or lack of trust to comply with the audit standard requirements especially where a producer cannot show evidence of corrective action after a suspension.
- d. A major breach of contract between the certification body and the Producer is detected.
- e. A producer has been found using misleading Certification Claims within the FOSS and GLOBALG.A.P. scope. Any case of misuse may be published on the KFC Website, or any other action as may be agreed by the certification scheme. In the case of other Scheme Owners e.g. GLOBALG.A.P. any case of misuse may be communicated to the GLOBALG.A.P. Community Members.

6.2. The Certification Body ensures that a cancellation leads to a total prohibition of the use of the certificate, certification claims and use of applicable trademarks/logos for all products and sites.

6.3. A letter of cancellation from certification body is issued to a producer with one-month notice to cease the use of certification body trademarks/logo and the consequences for the failure to adhere. The consequence on failure to adhere may include the producer being published on the certification



body website, or any other action as may be agreed by the certification body.

- 6.4.** The cancellation letter is prepared by the certification body and sent by email to the producer on the eve of the end of the Six-Month suspension period. The Certification Committee ratifies the decision during their next scheduled meeting.
- 6.5.** A producer who has been cancelled is not eligible to re-apply for certification registration until after 12 months are over from the date of cancellation.
- 6.6.** Sanctions raised on a producer by the certification body apply across all the sites or farms where similar flower crops products are being grown. The producer certification status is updated on the certification body website; Scheme Owner e.g. GLOBALG.A.P. database or portal and the FSI Floricode / Floridata, IT Systems within one week by the certification body.
- 6.7.** Contractual non-compliances are dealt with by the certification body as per this procedure F1.0 or the certification body governing regulations e.g. non-payment of applicable fees.

## **7.0 WITHDRAWAL OF PRODUCTS FROM CERTIFICATION.**

- 7.1.** The certification body has given the certified producers the right to terminate the whole product certification or withdraw all the certified products by writing to the certification body. The producer has a right to withdraw certification within the following grounds: -
  - a.** If the producer feels her company cannot meet the FOSS or any other standard it had applied certification.
  - b.** If the producer feels that the certification body is not meeting its part of the contractual agreement.
  - c.** If the producer feels that the certification status requirement cannot be sustained.
  - d.** Without giving any reason.
  - e.** In case of bankruptcy of the producer company.
- 7.2.** Where a producer wishes to withdraw all the products from certification the producer must apply to the certification body for approval as follows: -

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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- a. On approval, a suspension of the products affected is raised.
  - b. This suspension is only lifted and the certificate re-awarded after a satisfactory corrective action is done within a time frame of six months or shorter as set by the producer and agreed by the certification body.
  - c. The suspension of the products by a registered individual producer does not result in a waiver or non-payment of fees due to the certification body.
- 7.3.** When a producer has applied for certification for other products besides cut flowers and ornamentals to other Certification Bodies, the certification body agrees in writing that all reports, sanctions, corrective actions, records and information can be sent to the certification body and vice versa and that the CBs can freely discuss this information.
- 7.4.** A producer who has an outstanding non-compliance is not allowed by the certification body to apply for certification for the scope for which the non-compliance is in place to other Certification Bodies until all the corrective actions are taken and verified by the certification body.
- 7.5.** After certification approval, the certification body prepares the certificate whose initial validity date is the Certification Committee meeting day and sent to the farm within two weeks. The certificates shall be signed by the certification body authorized signatories defined by their procedures. For subsequent inspections, the validity date of the certificate reverts back to the original dates. The certificate is valid for a period of one year from the approval date and this is indicated on the Certificate. The certificate is prepared by the certification body.
- 7.6.** The approval of the certificate validity extension beyond 12 months can be done the certification body only for the following reasons: -
- a. There is an application for product certification which the certification body has accepted within the last certification cycle i.e. within the original certificate validity period.
    - I. For GLOBALG.A.P. flowers and ornamentals, the product has been up loaded and re-accepted in the GG data base for a full next cycle within the original certificate validity period.
    - II. For KFC certification scheme the producer has accepted the recertification for the next cycle by email.

- b. The producer is going to be re-inspected during the four-month extension period.
  - c. The third reason; which is applicable to GLOBALG.A.P. certification is that the producer has already paid the applicable license and the registration fees.
- 7.7.** After the initial certification audit, subsequent certification assessments fall within an inspection window that occurs in a period of 12 months from the 8<sup>th</sup> month before the original expiry date of the certificate and up to 4 months after the original expiry date of the certificate i.e. the certification body can extend the certificate validity by up to four months. There is a minimum of a 6-month period between 2 audits for a re-certification audit to take place.
- 7.8.** In case a producer has been suspended and complies within a 6-month period, the validity date of the certificate shall be set by the certification body from the date of the certification Committee meeting or the date of approval by the Certification Committee authorized chairperson.
- 7.9.** All locations or sites of the producer are registered and are audited. The certificate is issued only for the declared products.
- 7.10.** The KFC Certification Committee reserves the right to accept; validate or fail to validate or accept certification recommendations of the certification bodies after examining the Certification, Re-certification or a Follow-up audit report and can recommend a suspension of the Certificate or issue a warning letter without a suspension as per this procedure F1.0. The committee can also suspend a producer as a result of a violation of an existing agreement between the certification body and the producer and also in case of a finding that fundamental requirements especially legally binding ones have not been complied with by the producer before and after certification.
- 7.11.** If the Certification Committee fails to validate the approval to a producer which has been recommended by the certification body auditors; the committee records the reasons for taking such action, what action the certification body is to take; what corrective action the farm is required to do and the time frames required within the requirements of this procedure F1.0. A letter is sent to the concerned

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
Prepared: August 2008	Approved by: TC on: 08-08-08	Revised: Sept 2024	Re-approved: Sept 2024	PUB. No. 05-25	Version: Sept 2024

producer by the certification body with the recommendation or instructions on what the Certification Committee has decided within one week.

- 7.12.** In case the certification committee declines to approve / award the certification; the reasons or justification for the same is recorded in the CC minutes available in the KFC certification portal. This reason or justification is communicated to the producer by the certification body in writing.
- 7.13.** The compliance progress on the recommendations made by the Certification Committee is reported back and forth to the Certification Committee by the certification body. The decisions made by the certification bodies and other information regarding the whole audit and certification processes is passed on to the Certification Scheme Owners by the certification bodies, appropriately.
- 7.14.** If the Certification Committee forwards a matter arising out of its certification deliberations to the Certification Scheme Technical Committee without any request from a producer affected by this matter for guidance or interpretation of an issue; the producer affected by this decision is approved for certification pending the outcome of the Technical Committee recommendations.
- 7.15.** In case a producer does not accept un-announced audit notice given by the certification body due to medical or other justifiable reasons, the farm is given a second chance. The notification is done by giving 13-48 hours' notice. If the producer does not accept the second notice, a warning is issued by the certification body by a letter and email. Failure to accept the third notice leads to a suspension of certification by the certification body that is ratified / approved by the Certification Committee during the subsequent meeting.

## **8.0 SIGNIFICANT CHANGES IN A CERTIFIED PRODUCER OR PRODUCER GROUP**

- 8.1.** Where a producer has made plans to undertake capital intensive projects resulting in significant changes with real or perceived impacts on the certification status after a re/certification audit has been conducted and a certificate issued, the producer or producer group

has the sole responsibility to inform the certification body, when these projects are initiated.

- 8.2.** The communication is only acceptable if a written format is forwarded to the Certification Body without any delay when the projects or changes are initiated.
- 8.3.** The significant changes that must be reported may be taking place on the producer's legal status; expansion, production processes; environment protection or social management systems within the following but not limited to this criterion: -
- a.** Over 5 hectares increase or decrease in area under production flowers and ornamentals.
  - b.** Acquisition of another site in a different location.
  - c.** Change of the location of the company.
  - d.** Replacement of flowers and Ornamentals which had been certified with other types involving 5 hectares or more.
  - e.** Change on company's production technology and/or facilities either through construction or demolition involving 5 hectares or more affecting 20% or more of the employees.
  - f.** Change in company ownership and change of company name.
  - g.** A change of the farm management framework, solid and effluent waste management systems or social management system.
  - h.** A new product inclusion that was not audited in the last audit at the farm.
  - i.** Any other change which involves increase of employees by 20% or more and decrease by 20% or more.
- 8.4.** On receiving the changes at the certification body; the decision taken may include one of the following: -
- a.** Re-certification of areas where changes have taken place or evaluation of the whole farm depending on the previous audit evaluation plan.
  - b.** Revision of the certification scope and certificate.
  - c.** Re-evaluation of the certification decision and certification review.
  - d.** Surveillance or un-announced audit.
- 8.5.** In case there is a change in the list of certified flower products; the certification body shall: -

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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- a. Recall the certificate previously issued to the producer or producer group within 3 months.
- b. Revise the certificate appropriately and re-issue to the producer or producer group within 14 days.
- c. Update the producer or producer group and product certification status register; the websites, and the applicable data bases e.g. KFC certification scheme and GLOBALG.A.P. to reflect the current status.

**8.6.** The producer is given six (6) months to demonstrate compliance with the standard for the additional capital-intensive projects / changes / areas / sections / systems, among others, from the date the communication is received by the Certification Body, only when the changes do not pose serious imminent threat to the safety of persons, environment and consumer.

## **9.0 CONSTITUTION AND QUALITY OF THE COMPLAINTS AND DISPUTE RESOLUTION COMMITTEE**

**9.1.** The appeal and dispute resolution committee are only appointed when the need arises from the CB Certification Committee and from the certification scheme Technical Committee. The process is led by the chairpersons of the above committees.

**9.2.** The KFC certification scheme and certification body are required to ensure that those investigating a complaint free from conflicts of interest: -

- I. Independent from the complaint or the activities surrounding the complaint.
- II. Free from or have no commercial, financial and other pressures that may influence the decisions.
- III. Committee members who have business interests with a producer or producer whose matter is before the committee are not eligible to deliberate on matters affecting such a producer. An example would be director or employee from a producer that is receiving flowers or ornamentals from related company in Kenya or abroad that is under review by the committee.
- IV. Are providing a balance of interest where no single interest predominating.

**9.3.** An appeals Committee member who has a conflict of interest must declare any such conflict or interest in a producer which has

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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appealed or is expected to appear before the committee and decline the appointment to the committee.

## 10.0 COMPLAINTS, APPEALS, AND DISPUTE RESOLUTION PROCESS

**10.1** The KFC certification scheme has defined what constitutes a complaint and an appeal as highlighted below: -

- a. A Complaint** - Means an objection or statement that the decision made or a clause of the Certification Scheme is inappropriate, unsatisfactory, unfair, or unacceptable.
- b. An Appeal** - Means an application by an appellant e.g. producer or stakeholder for reversal of a decision or review or revision of the Certification Scheme Standard or Procedure.

**10.2** A producer or producer group, or any other interested party may file a complaint or an appeal by writing a letter or email to the certification scheme and the CB Chief Executive Officer if they have an appeal on the audits and certification.

**10.3** On receiving the complaints, the certification scheme and certification body are required to acknowledge receipt of the same with 7 working days.

**10.4** The certification body is required to inform the certified producer about the complaints arising from any stakeholder and request for adequate or satisfactory feedback on the same within 28 days or 48 hours if the complaint is critical and is likely to have; a serious imminent threat to the safety of persons, environment and consumer; serious threat or risk to the reputation of the certification scheme and serious or significant violation of employee human rights.

**10.5** The certification body is required to demand from the producer evidence of compliance on the complaint within seven (7) days or design the best method and process of gathering adequate satisfactory evidence of compliance on the complaint, depending on the type or nature of complaint, from the producer: -

- I.** Where, the evidence provided by the producer or evidence gathered by the certification body is not objective, adequate or satisfactory to withdraw the complaint a noncompliance is raised on the producer by the certification body.



- II. Where, the evidence provided by the producer or gathered by the certification body is objective, adequate or satisfactory to warrant a noncompliance arising from the complaint; a noncompliance is raised and communicated, and the producer is required to take action and provide evidence of compliance within 28 days.
- III. Where the producer does not provide satisfactory evidence within 28 days the certification body suspends the producer and a request is forwarded to the certification committee to approve the suspension from the certification status for the next six months.
- IV. The effective date of the suspension is day the decision is made by the certification body by email.

**10.6** The complaints received by the certification scheme may arise but not limited from: -

- a. Failure to provide a service at the agreed time or to the standard expected of the service.
- b. Lack of satisfaction in answering a query or responding to a request for the contracted activities or service.
- c. Failure to follow the Certification Scheme agreed policies, orders or procedures.
- d. Failure to take proper account of relevant matters in coming to a decision.
- e. Discourteous or dishonest behavior by a certification body member of staff.
- f. Fraud, bribery, and all other issues relating to the behavior of the certification body auditors or any other staff member.

**10.7** The method and process flow of resolving the arising complaints and appeal is follows: -

- a. The complaints on the FOSS certification scheme are received by the Certification Manager or by the Scheme Manager for the Certification Scheme and Certification Body respectively.
- b. All complaints on the operational activities such as audit performance and mismanagement of the audit activities and processes from the producers are dealt with by the Certification Body.
- c. All the complaints on the Certification Scheme Standards (FOSS), principal requirements and compliance criteria, scope, interpretation, rules and procedures from the producer or producer group and other

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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stakeholders are dealt with by the Certification Scheme Technical Committee.

- 10.8** The complaints maybe received from on the KFC certification scheme stakeholders highlighted below: -
- a.** On the certified producers from stakeholders.
  - b.** On the auditors from the producers.
  - c.** On the auditors from certified producer stakeholders.
  - d.** On the certification body from the producers or other stakeholders.
  - e.** On the certification scheme standard (FOSS), rules and procedures from the producers and other stakeholders.
  - f.** On the KFC Certification Scheme business relationships with other stakeholders.
- 10.9** The complaints received by the certification body on the producers may include but not limited to those arising from the producer employees; destination market or customers, neighbors, among others. The corrective actions are taken by the certification body manager.
- 10.10** If sufficient or unsatisfactory; evidence of compliance is received within the seven (7) days / not received or provided during the certification body verification assessment that is done following a complaint on the producer during the 6-month suspension period, the certification body, request the certification committee to uphold or lifts the suspension.
- 10.11** The complaints and the corrective action taken are shared between the Certification Manager and the Scheme Manager, respectively, as soon as they are received or the action is taken to promote accountability and transparency.
- 10.12** The appeals on the Certification Scheme Standards (FOSS), principal requirements, compliance assessment criteria, scope, rules and procedures from the producers or producer groups and other stakeholders with respect to the interpretation of the standards are forwarded by the CB Certification Manager to Scheme Manager, for review by the Technical Committee.
- 10.13** The recommendations from the Technical Committee are prepared by the Scheme Manager and communicated to the certification body, the Chief Executive Officer and the CB Certification Manager. The CB Certification Manager shares the recommendations with the certification committee.

- 10.14** The recommendations are implemented by the certification scheme, certification body or the producer depending on the kind, type or nature of the output, as highlighted below: -
- I. Communicated by the certification body to the producer (complainant) and requires the producer to abide and comply with the recommendations within the set timeframes.
  - II. Recommendations are implemented by the Scheme Manager for the scheme, or the Certification Manager for the certification body.
- 10.15** The Technical Committee recommendations are shared with the certification body and the certification Scheme Board of Directors by the Chief Executive Officer.
- 10.16** In case the recommendations from the Technical Committee are not accepted by the producer or stakeholder; an Appeals, Complaints and Dispute Resolution committee is formed by the Scheme Manager to deal with the matter. The committee is comprised of four members; two from the from TC and two from the CC elected by the TC and CC chairpersons. The committee is required to close the arising matter within one month from the date the committee is constituted.
- 10.17** The necessary information required by the committee is gathered by the certification scheme and certification body by a verification audit or any other method designed by the certification scheme and / or the certification body.
- 10.18** The committee is required to provide a report with root cause analysis or investigation and recommendations on the appeal.
- 10.19** Feedback report on the recommendations is given by the appeal committee to the certification scheme and certification body Chief Executive Officer. The certification scheme and certification body are required to abide by the recommendations that are also communicated by a letter to the producer or stakeholder (appellant) within 7 days after the resolution of the matter.
- 10.20** If sufficient or unsatisfactory; evidence of compliance is found / not found during the committee verification assessment which is done after an appeal and the outcome / output is received by the certification body

within the 6-month suspension period, the certification body, may lift or uphold the suspension.

- 10.21** The Appeals Committee may decide to conduct a follow-up to ensure that the corrective actions are taken within the set time frame and to assess the effectiveness of the corrective action/s taken. If corrective actions taken are not satisfactory the status is maintained as per this F1.0 procedure. If satisfactory corrective actions are taken within the set time frame the sanction is lifted by the certification body.
- 10.22** In case the feedback given is rejected by the appellant; the appealing producer or stakeholder is free to seek justice or arbitration from the Kenyan Judiciary as per laws of Kenya.
- 10.23** The producer or producer group and other stakeholders are not subjected to any form of discrimination; harassment, malice or any other unethical behavior by the certification scheme and certification body on raising any complaint, dispute, clarification, request, or appeal of any form that require to be addressed by KFC certification scheme and the certification body.
- 10.24** The clarification requests arising from the registered producers; seeking further or additional information on the FOSS content, understanding, scope, audit schedules, timing or any other certification scheme and certification body activities does not constitute a complaint. The KFC certification scheme and the certification bodies are required to respond appropriately, within 7 days.

KFC Certification Scheme Management Regulations- Certification Approval, Sanctions & Appeals Procedure					
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