

## KENYA FLOWER COUNCIL CERTIFICATION SCHEME QUALITY SYSTEM REGULATIONS

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

#### 1.0 SCOPE

- a. The Kenya Flower Council Certification Committee is guided by the following certification approval, warnings, suspensions, cancellations, and resolution of complaints, appeals and dispute resolution procedure F1.0.
- b. This procedure is applicable to all the standards that are audited and certified under the KFC Certification Scheme.
- c. The certification bodies approved to provide the auditing and certification services, for the KFC Certification Scheme are applying this ***F1.0-Certification approval, sanctions, resolution of complaints, appeals, and dispute procedure***, or similar.

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

- 2.1. Failure by the producer to comply with the standard clause 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 criteria e.g. the producer does not comply with clause "5.5.5S - Seed treatments is only used to prolong seed storage life or to reduce subsequent application of pesticides after germination".
  - b. **Non-conformity (of the Quality System Regulations):** A Kenya Flower Council Quality System Certification 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. Three types of non-compliance exist within The Kenya Flower Council auditing process.

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

2.3. Non-compliance is categorized into three levels as described below:

- a. A **major must non-compliance** occurs when a producer fails to comply with one or more of the clauses designated as major must within the sub-scope flowers and ornamentals of the standard checklist. The Major Must non-compliance is recorded in case the auditor has detected failure to comply with the certification scheme standard and policies or 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 certification scheme standard. Those designated "S" are major must for Silver certification and those designated "S" and "G" 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.
- b. A **contractual non-conformity** occurs when there is failure to comply with any of the signed agreements between the producer and The Kenya Flower Council e.g. none payment of applicable fees. Any issue detected during the audit that leads to a technical doubt

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about the producer 's way of proceeding with the application of the code of practice falls within the contractual major non-conformity.

**c. Critical non-compliance**

A Critical non-compliance has occurred; where a finding against a major must clause has occurred as defined; but not limited to the following: -

- 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. In case 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.
- vii. No time is given for such non-compliance. The farm is required to take corrective actions immediately, and the producer may be suspended without delay in such circumstances.
- viii. The report is given to the certification body / company / institution that had requested for the audit / evidence of compliance within 24 hours of the non-compliance detection".

**3.0 SANCTIONS**

3.1. The three types of sanctions applicable to the products and the producer on failure to comply with the standard and agreements which are applied by The Kenya Flower Council certification process are: -

- a. Warnings
- b. Suspensions
- c. Cancellations

3.2. Scheme owners with certification agreements with KFC, such as the GLOBALG.A.P. reserves the right to impose certain sanctions for certain

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non-compliances which affect their standard. These are detailed by The Kenya Flower Council in *"R4.0-Terms of agreement between the producer and the Kenya Flower Council"* and its registered producers are made aware of these as per procedure *"R4.0-Obligations of The Kenya Flower Council to GLOBALG.A.P."*

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 CB can lift the sanction it has imposed.

## 4.0 WARNINGS

4.1. A warning is applied 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 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. For an initial certification audit, the status **"open non-conformance status"** is set in the GLOBALG.A.P. IT Systems and on the Kenya Flower Council Certification Register. 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. This status of open non-conformance is not given to the producer group member products.
- d. The warning is issued by the auditors during the closing meeting after the audit. It is provisional and can be overridden by the CB Certification Committee.

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- 4.2. A certified producer is downgraded 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. Product suspensions are issued as follows: -

- a. Where, a certified producer has not provided satisfactory corrective action within 28 days' a suspension is imposed by the Certification Committee meeting, 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 one month from the 28 days' time frame, the Chief Executive Officer or the Certification Manager informs the chair of certification committee to approve the suspension or cancellation from the audit. The 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 Chairman.
- g. If a producer notifies KFC that the non-compliance is resolved before the defined period, the respective sanction shall be lifted, subject to satisfactory evidence and closing off.
- 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

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complying with the relevant audit standard and needs time to close any non-conformances. If the suspension is voluntary;

14. The deadline for closing non-conformances is set by the declaring producer in agreement with the certification body.
15. This suspension will not delay the certificate renewal date, and does not warrant the producer from non-payment all the applicable fees.
16. In the GLOBALG.A.P. IT Systems, the product status "Self-declared Suspension" shall be set for the respective products.
17. The status "Self-declared Suspension" is set in the GLOBALG.A.P. IT Systems and on the Kenya Flower Council Certification Register.
18. 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 group QMS.

5.2. Suspension can be 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 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 circumstance.
- ii. The collected information is conveyed to the Scheme Manager within the same day through the fastest means possible. The Scheme 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

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law i.e. level of impact to persons, environment, the product and the consumer.

- iii. The Scheme Manager shall prepare a report and submit the same to the KFC CEO within one to two days.
- iv. The KFC CEO shall approve the report and forward the same to the KFC Certification Committee Chairman, and in his absence the Vice-Chairman, 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 KFC Standards 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 performed.

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 signed by the Chief Executive Officer 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 the producer being published on the KFC Website, or any other action as may be agreed by the KFC Board of Directors.

5.7. A suspension is maintained 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 and credibility of the Scheme Owner, including GLOBALG.A.P., the CB shall suspend the producer's certificate with immediate effect. If the

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CB fails to do so, the Scheme owner has the right to inform the accreditation body. GLOBALG.A.P. has the right to change the status of the producer certificate in the GLOBALG.A.P. IT Systems to not display it as valid, the CB shall accept liability.

## 6.0 CANCELLATION

6.1. Product cancellation is issued by the Certification Committee 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 to Flowers and Ornamentals Sustainability Standard and GLOBALG.A.P. Any case of misuse may be published on the KFC Website, or any other action as may be agreed by the KFC Board of Directors. In the case of GLOBALG.A.P. any case of misuse may be communicated to the GLOBALG.A.P. Community Members.

6.2. A cancellation leads to 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 is issued to a producer through the CEO, 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 KFC Website, or any other action as may be agreed by the KFC Board of Directors.

6.4. The cancellation letter is prepared by the Certification Manager, signed by the CEO and sent by email to the producer on the eve of the end of the

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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 status is updated on the KFC website and GLOBALG.A.P. IT Systems within one week by the responsible Lead Auditor.
- 6.7. Contractual non-compliances are dealt with as per this procedure F1.0 and Company Memorandum of Understanding by the Chief Executive Officer and the Board of Directors e.g. non-payment of applicable fees.

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

- 7.1. A producer has a 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 code of practice.
  - 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. On approval, a suspension of the products affected is raised. 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. 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.

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- 7.3. When a producer has applied for certification for other products besides cut flowers and ornamentals to other Certification Bodies, the company agrees in writing that all reports, sanctions, corrective actions, records and information can be sent to KFC certification body and vice versa and that the CBs can freely discuss the information.
- 7.4. A producer who has an outstanding non-compliance is allowed 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 KFC Chairman; or Chief Executive Officer in case of chairperson's absence after approval by the Certification Committee. 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 KFC certification body.
- 7.6. The approval of certificate validity extension beyond 12 months can only be done 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. 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.
  - 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

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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 from the date of the certification Committee meeting or the date of approval by the Certification Committee Chairman.
- 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. If the Certification Committee fails to approve a farm which has been recommended by the auditors; the committee indicates in U4.0- Certification Approval Form; the reasons for taking such action, what action the certification body CEO is to take; what corrective action the farm is required to do and the time frames required within the procedure F1.0. A letter is sent to the concerned producer by the CEO with the recommendation or instructions on what the Certification Committee has decided within one week.
- 7.11. The compliance progress on the recommendations made by the Certification Committee is reported back and forth to the Certification Committee and the certification body Board of Directors. The decision made by the Certification Committee and other information regarding the whole process is passed on to the Board of Directors through the certification body CEO.
- 7.12. The certification body Certification Committee reserves the right to approve or fail to approve certification 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 procedure F1.0. The committee can also suspend a producer as a result of a violation of an existing agreement between The Kenya Flower Council 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.

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- 7.13. In case the certification body certification committee declines to approve / award the certification; the reasons or justification for same is recorded in the U4.0-Certification Approval form. This reason or justification is communicated to the producer by the certification body CEO in writing.
- 7.14. If the certification body Certification Committee forwards a matter arising out of its certification deliberations to the KFC 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 due to medical or other justifiable reasons, the farm is given a second chance. Notification is done by giving 13-48 hours' notice. If the producer does not accept the second notice, a warning is issued by the CEO by a letter and email. Failure to accept the third notice leads to a suspension of certification by the Certification Committee during the subsequent meeting.

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

- 8.1 Where a farm 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 criteria: -

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- 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 involve 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: -

- 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 F3.0-Producer or producer group and product certification status register & procedure; the websites, and the applicable data bases e.g. GLOBALG.A.P. to reflect the current status.

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- 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 APPEALS, COMPLAINTS AND DISPUTE RESOLUTION

- 9.1 A producer or producer group, or any other interested party may file by writing to the complaints, appeals and dispute committee if they have a complaint regarding the audits and certification by sending a letter to the certification body Chief Executive Officer.
- 9.2 Members of the Appeals Committee are appointed when the need arises by the certification body Certification Committee and from the Certification Scheme Technical Committee and are approved by the certification body and KFC certification scheme Board of Directors respectively. The process is led by the chairpersons of the above committees.
- 9.3 The Board of Directors ensure that those investigating a complaint are independent from the complaint or the activities surrounding the complaint and also that the producer or producer groups are informed of the results of their complaints as soon as the results are found and a copy of the same is kept in the relevant files.
- 9.4 The Appeals Committee members must not have any commercial, financial and other pressures that influence decisions. The members are such that they provide a balance of interest where no single interest predominates. Therefore, committee members who have business interests with a producer or producer group farm appearing before the committee are not eligible to deliberate on matters affecting such a company. An example of an interested company associated with a director is a farm supplying cut flowers or ornamentals to his/her company, or related company in Kenya or abroad.
- 9.5 An Appeals Committee member who has a conflict of interest must declare any such conflict or interest in a company farm which has

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appealed or is expected to appear before the committee and decline the appointment to the committee.

- 9.6 After receiving complaints on KFC as the [certification body](#), and complaints on KFC producer or producer groups from any interested parties, a problem statement and or the non-compliance is recorded in forms X1.0 and X2.0; respectively; by the Office Manager.
- 9.7 The necessary information required by the Appeals Committee is gathered by the persons appointed to do so by a resolution passed by the committee in a meeting. The information may be gathered by a verification audit or any other method designed by the committee.
- 9.8 If sufficient or unsatisfactory; evidence of compliance is found during the verification assessment which is done after an appeal application is received by [the certification body](#) within the 6-month suspension period, the committee, may lifts or uphold the suspension.
- 9.9 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 F1.0 procedure. If corrective actions are taken within the set time frame the sanction is lifted by the Board of Directors.
- 9.10 The decisions of the Appeals committee are binding to the complainant who appear or appeal to the committee.

## 10.0 COMPLAINTS, APPEALS, AND DISPUTE RESOLUTION PROCESS

- 10.1 **Complaint** - Means an objection or statement that the decision made or a clause of the Certification Scheme is inappropriate, unsatisfactory, unfair, or unacceptable.
- 10.2 **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.
- 10.3 The complaint may arise but not limited from: -

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- 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 member of staff.
- f. Fraud, bribery, and all other issues relating to the behavior of the auditors and other contracted staff.

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

- a. The complaints on the [FOSS certification](#) must be received in writing are recorded by [Certification Manager](#) and filed.
- b. The complaints on the [Certification Scheme](#) are recorded in form in forms X1.0 and complaints on the registered producer or producer groups on form X2.0 respectively.
- c. All complaints the producer or producer groups are dealt with [by the Certification Manager](#) long as they fall within the Certification Scheme [operational activities such as](#) audit performance or mismanagement.
- d. The [Certification Scheme](#) is committed to acknowledge receipt of the complaints within 15 days from the date of receipt.
- e. [The complaint on the Certification Scheme Standards \(FOSS\), Principles, Compliance Criteria, Scope, Interpretation, Rules and Procedures from the producer or producer group and other stakeholders are dealt with by the Technical Committee.](#)

**10.5** The complaints are divided into [four](#) categories and handled in the manner prescribed in this procedure as follows:

- a. On the producer or producer group from other stakeholders.
- b. On the auditors and [the certification body](#) from the producer or producer groups and other stakeholders.
- c. On the certification scheme standard, rules and procedures from the producer or producer group and other stakeholders with respect to the audit performance or mismanagement of audits.
- d. [On the Certification Scheme Standards \(FOSS\), Principles, Compliance Criteria, Scope, Rules and Procedures from the producer or producer groups and other stakeholders](#) with respect to the interpretation.

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- 10.6** The complaints on the producer or producer group from other stakeholders include but not limited to those raised by employees of the farm; customers, neighbors, among others on the producer or producer group. The corrective actions are taken by the Scheme Manager and the action taken is approved by the Chief Executive Officer.
- 10.7** The complaints on the auditors and the certification body from the producer or producer groups and other stakeholders include but not limited to those emanating from the audit process e.g. lateness, indiscipline, poor implementation of certification cycles, timeliness and scheduling of audits. The corrective actions are taken by the Scheme Manager and approved by the Chief Executive Officer.
- 10.8** The complaints on the certification scheme standard, rules and procedures from the producer or producer group and other stakeholders **with respect to** the audit performance or mismanagement. The corrective actions are taken by the **Certification Manager as soon as they arise within seven (7) days**.
- 10.9** The complaints on the Certification Scheme Standards (FOSS), Principles, Compliance Criteria, Scope, Rules and Procedures from the producers or producer groups and other stakeholders with respect to the interpretation standards are recorded by the Certification Manager and forwarded to Scheme Manager, to be dealt with by the Technical Committee.
- 10.10** The recommendations from the Technical Committee are prepared by the Scheme Manager and communicated to the Certification Committee by Certification Manager.
- 10.11** The complainant is required to abide and implement the Technical Committee recommendations within the set timeframes.
- 10.12** A copy of Technical Committee minutes is presented to the Board of Directors by the CEO.
- 10.13** In case corrective action is not satisfactory; the Appeals, Complaints and Dispute Resolution committee is formed by the **Scheme Manager** to deal with the matter, **comprised of two members from the stakeholder from TC and two stakeholder members from the CC elected by the TC and CC**

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Chairpersons, who elect their chairperson and close the arising matter within one month from the date the committee is constituted.

- 10.14** The root cause analysis or investigation report from the Appeals, Complaints and Dispute Resolution committee is prepared with recommendations and maintained by Scheme Manager for traceability.
- 10.15** Feedback is given to the appellant, CC and TC by the Chief Executive Officer within 7 days after resolution of the matter.
- 10.16** In case the feedback given is rejected by the appellate; the appealing producer or producer group or stakeholder is free to seek justice or arbitration from the Kenyan Judiciary as per laws of Kenya.
- 10.17** The producer or producer group and other stakeholders are not subjected to any form of discrimination; harassment, malice or any other unethical behavior from the secretariat on raising any complaint, dispute, clarification, request, or appeal of any form that require to be addressed by The Kenya Flower Council.
- 10.18** Requests for clarification, further information, e.g. on audit schedules, timing or other the certification body activities do not constitute a complaint.

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