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## HANDLING OF CAD

### 1. Purpose and Scope

The purpose of this document is to define how appeals, complaints and disputes are handled by NERA. This document is applicable to all Measured Enterprises (ME) verified by NERA and all clients of the measured enterprise (Users of the BEE Verification). There may from time to time be instances of appeal and complaint but a distinction needs to be drawn between the differences:

- an appeal is against a technical issue relating to the score
- a complaint relates to procedure.
- a dispute relates to finding closure to the appeal or complaint should either party not accept the outcome .

**NERA** acknowledges that there is a possibility that the client might wish to appeal their rating 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 to needs to be assessed by **NERA** with the view to ensuring that there is quick and mutually agreeable resolution, using at all times objective and impartial staff who have not to date been involved and are not planned to be involved with the ME at any point. Complaints can be lodged at any stage in the process as long as this is done using the requisite documentation. However, 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 BEE Scorecard from **NERA**. This procedure is in place so that any such appeals or complaints can be dealt with timeously with decisive sensitivity by **NERA** so as to ensure that there is successful resolution, that the verification can be concluded and so that the client and stakeholders remain confident of the process.

### 2. Complaints, Appeals and Disputes (CAD)

Lodging of a complaint, appeal and dispute (CAD)

- 2.1.1 The complainant shall complete the NERA form (**F 01**) or a detailed letter and forward it to the Chief Executive Officer (CEO), by post mail, e-mail or by fax. The CEO will appoint a Verification Manager that has not verified this client before or that has had any involvement with the complainant before to investigate the CAD. The analyst that did the original site-visit will not be used to investigate the complaint.
- 2.1.2 All CADs with NERA should be received by NERA within one (1) month of the event that caused the CAD.
- 2.1.3 A CAD dealing with verification matters shall be recorded in the Complaints Register (**F 15**) by the Operations Manager (OM). The Operations Manager will file all communication regarding the CAD in the Complaints File.

### 3. Procedure

#### Complaints:

Here we are discussing complaints from either the Measured Entity itself or the user of results of the verification of a BEE-verified enterprise. It is imperative that the complainant be assured that the matter will be dealt with in a professional, honest, impartial and confidential manner.

1. When complaints are received telephonically, the Operations Manager (or any other office bearer) must forward the complaints form (F01) to the complainant;

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2. The complainant must complete the form (F01) in detail and return to the CEO by scanning or by fax; The CEO will send the complainant confirmation that the complaint has been received.

3. Upon receipt of the complaint the CEO will appoint a verification manager that has not verified this client before to investigate the CAD. The verification analyst that did the original site-visit will not be used in the investigation of the complaint. The appointed verification manager must capture the complaint on the complaints register (F15) and allocate a reference number.

4. The appointed verification manager must then investigate the complaint in detail and record his/her findings on the complaints form (F01). The verification manager will recommend a proposed corrective action to resolve the complaint. Once the corrective action has been implemented, the verification manager will inform the client in writing of the outcome and the solution. Once the client is satisfied with the corrective action, the verification manager 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 normal dispute process will follow. All documentation relating to the complaint will be filed in the complaints file.

### **Appeals:**

Here we are discussing appeals from the Measured Entity. It is imperative that the client be assured that the matter will be dealt with in a professional, impartial and confidential manner.

1. When appeals are received telephonically, the Operations Manager (or any other office bearer) must forward the complaints form (F01) to the complainant;
2. The client must complete the form (F01) in detail and return to the CEO by scanning or by fax; The CEO will send the client confirmation that the appeal has been received.
3. Upon receipt of the appeal the CEO will appoint a verification manager that has not verified this client before to investigate the CAD. The verification analyst that did the original site-visit will not be used in the investigation of the complaint. The appointed verification manager must capture the complaint on the complaints register (F15) and allocate a reference number.
4. The appointed verification manager must then investigate the appeal in detail and record his/her findings on the complaints form (F01). In the event that an error was detected, NERA will issue a new certificate reflecting the updated rating and expiry date. The issue of the revised certificate shall be at no charge to the Client. The verification manager will recommend a proposed corrective action to resolve the appeal. Once the corrective action has been implemented, the verification manager will inform the client in writing of the outcome and the solution. Once the client is satisfied with the corrective action, the verification manager will forward the completed form (F01) to the CEO 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.

### **Dispute:**

1. The Parties shall endeavor to resolve the CAD by negotiation.

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2. 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.
3. 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:
4. 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
5. 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 below.
6. 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 below.
7. Failing agreement as referred to in clause 5 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 6 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.
8. The decision of the mediator and/or arbitrator shall be entered into the Complaints Register.