KAIZEN
CERTIFICATION

Appeals Process Handbook

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1. Introduction to the Appeals Process

At Kaizen Certification Ltd, we recognise the importance of a robust and fair appeals process as an integral part of our accreditation scheme. The appeals process is designed to uphold the principles of fairness, impartiality, and transparency, ensuring that every party associated with our scheme has the opportunity to have their concerns addressed adequately. This document outlines our comprehensive appeals process, established in line with the Level 1 and Level 2 Scheme Operating Requirements (SORs), covering appeals from:

- Prospective members, including those deemed not 'fit and proper' or who do not meet competency requirements.
- Current members whose accreditation status or disciplinary matters are in question.
- Stakeholders (such as clients, property owners, or other interested parties) appealing decisions on complaints they have raised.
- Cases requiring an independent third-party appeals process for impartial adjudication.
- Referral to the Energy Assessors Scheme Ombudsman Board (EASOB) under exceptional circumstances.

1.1 Purpose and Scope

The purpose of this Appeals Process Handbook is to provide a structured pathway for resolving disagreements arising from our accreditation decisions. This includes, but is not limited to:

- Appeals by prospective members against decisions regarding their application to become accredited.
- Appeals by current members about decisions affecting their accreditation (e.g. suspensions, revocations).
- Appeals by stakeholders who disagree with how their complaints were handled or resolved.
- Ensuring an Independent Third-Party Appeals option is available for complex or sensitive cases where additional impartiality is required.
- Outlining criteria for referring cases to EASOB in exceptional circumstances.

1.2 Ensuring Fairness and Transparency

Kaizen Certification Ltd commits to ensuring every appeal is handled impartially and objectively:

- Independent reviewers: All appeals are reviewed by individuals who were not involved in the original decision, maintaining a clear separation of roles and avoiding conflicts of interest.
- Open communication: Throughout the appeals process, appellants receive timely updates, including reasons for decisions and guidance where relevant.

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- No cost to appellants: In line with the SORs, Kaizen Certification Ltd does not charge prospective members, current members, or stakeholders for lodging appeals.
- No fee is ever charged for lodging an appeal.

1.3 Independent Third-Party Appeals Process

We maintain an Independent Third-Party Appeals Panel that adds an essential layer of impartiality, particularly in complex or disputed cases. Its:

- England and Wales, the Appeals Panel terms of reference are shared with MHCLG. Scotland, the terms of reference will be provided to the Scottish Government on request.
- Panel members are chosen to avoid conflicts of interest, commercial ties, or any other influence that could compromise their judgment.
- Decisions are binding on Kaizen Certification Ltd.
- Time-limits – Kaizen will acknowledge every appeal within 5 working days and issue a written determination within 20 working days of receipt.

1.4 Recourse to EASOB

In exceptional circumstances, Kaizen Certification Ltd may refer individuals or decisions to the Energy Assessors Scheme Ombudsman Board (EASOB), for example:

- Where a member has been suspended or struck off, but another Accreditation Scheme or the member contends this was done unfairly or in a potentially vindictive or perverse manner.
- Where complex or cross-scheme issues arise that require the involvement of an independent industry body.

This escalation route applies in England and Wales only. For Scotland, the independent third-party appeals process is the final escalation within the scheme.

1.5 Record Keeping and Compliance

All appeals-related correspondence is documented thoroughly in compliance with the relevant data protection legislation (UK GDPR) and the SORs. This:

- Guarantees a transparent audit trail for every stage of the appeals process.
- Helps identify improvements and ensure ongoing compliance with SOR obligations.
- Preserves confidentiality, with records accessible only to authorised personnel.

2. Appeals Process for Prospective Members

Kaizen Certification Ltd recognises that the application process for becoming an accredited assessor can be detailed and occasionally contentious. In keeping with our dedication to transparency and fairness under the SORs:

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2.1 Grounds for Appeal

A prospective member may appeal if they believe:

- They have been incorrectly assessed as not meeting the qualification requirements for OCDEA, NDEA L3, L4, L5, or DEC strands.
- They have been deemed not 'fit and proper' without just cause or in error.
- There was a procedural or administrative oversight in handling their application.

2.2 Initiating the Appeal

- Submission: The prospective member must submit a written appeal (email or postal) within 30 days of receiving the decision.
- Documentation: The appeal should include any evidence (qualifications, transcripts, references, etc.) and a clear explanation of why the decision is contested.

2.3 Appeals Review

- Preliminary check: Kaizen Certification Ltd verifies the appeal meets the basic criteria (e.g. filed on time, relevant to accreditation matters).
- Appeals Committee: Valid appeals go to an Appeals Committee comprising individuals not involved in the original application review. This step ensures impartiality.
- Additional information: The Appeals Committee may ask the appellant for further evidence or clarification.

2.4 Decision-Making and Communication

- Outcome: The Appeals Committee analyses all evidence and makes a final determination on whether the original decision stands or is overturned.
- Written notification: The appellant receives a written explanation detailing the rationale behind the final decision.
- Timeframe: A decision is typically communicated within 20 working days of receiving all necessary information.

2.5 Record Keeping

All documents, including application details, appeal submissions, and committee deliberations, are recorded and stored securely, in accordance with data protection legislation and the SORs.

3. Appeals Process for Current Members

Ensuring an equitable and transparent process for existing members is vital. Members may challenge decisions that affect their accreditation status, including disciplinary measures such as suspension or revocation.

3.1 Scope of Appeals

Current members may appeal where:

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- Their accreditation was suspended or revoked following audit failures or breaches of the Code of Conduct.
- The scheme considered them no longer 'fit and proper'.
- They dispute corrective action, extra training/CPD requirements, or other mandatory measures.

3.2 Initiation of the Appeal

- Written request: Appeals must be lodged in writing within 30 days of the decision. The member should detail the grounds for the appeal and include any supporting evidence.
- Timeliness: Quick submission is important to allow Kaizen Certification Ltd to process the appeal promptly.

3.3 Appeals Review Procedure

- Preliminary assessment: We confirm the appeal meets relevant criteria and pertains to an accreditation matter.
- Independent review: If accepted, the case is referred to an Appeals Committee (or the Independent Third-Party Appeals Panel if required). None of the decision-makers involved in the initial disciplinary or accreditation decision will be involved.
- Evidence gathering: The committee may request statements from relevant parties, including the member, or review the technical audit records.

3.4 Decision and Communication

- Committee determination: The Appeals Committee weighs evidence objectively, referencing the relevant SORs, Code of Conduct, and accreditation standards.
- Clear rationale: The final decision (to uphold, amend, or overturn the original ruling) is explained in detail to the member.
- Implementation: Should the appeal be successful, Kaizen Certification Ltd restores accreditation status or modifies disciplinary measures accordingly.

3.5 Transparency and Confidentiality

We record all actions and outcomes while safeguarding personal or sensitive data. The records serve as a transparent audit trail and support ongoing improvement.

4. Stakeholder Complaint Appeals

Kaizen Certification Ltd values feedback from all stakeholders, including clients and any party interested in the Energy Performance Certificates or related services we oversee. We offer a formal mechanism to appeal decisions relating to stakeholder complaints.

4.1 Definition and Scope

Stakeholder complaint appeals apply where:

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- A stakeholder believes the resolution or outcome of their complaint was unjust or incomplete.
- The complaint was initially handled through Kaizen Certification Ltd's Complaints Process but the stakeholder remains dissatisfied.

4.2 Initiating a Stakeholder Complaint Appeal

- Formal appeal: A written appeal is submitted within 30 days of receiving the initial complaint decision, detailing the concern and why the resolution is disputed.
- Acceptance criteria: Kaizen Certification Ltd reviews whether the complaint truly falls within scheme matters (e.g. related to EPC quality, the conduct of a member, or data management).

4.3 Review and Decision

- Independent Committee: An Appeals Committee not involved in the original complaint reviews the evidence.
- Information gathering: The committee may request further documentation or statements from the stakeholder or other relevant parties.
- Outcome: A decision is reached and shared in writing, with an explanation provided. Depending on findings, the original resolution may be upheld, modified, or overturned.

4.4 Documentation and Confidentiality

All stakeholder appeals are recorded and stored securely. While we maintain comprehensive documentation for transparency, details are handled in strict confidence and comply with data protection legislation.

5. Independent Third-Party Appeals Process

Where complexity or perceived conflicts of interest arise, Kaizen Certification Ltd has established an Independent Third-Party Appeals Process to ensure impartial resolutions.

5.1 Purpose and Rationale

Some appeals may necessitate a fully external review to uphold confidence in our processes. Examples include:

- Appeals involving highly technical or controversial findings.
- Potential conflicts of interest identified within Kaizen Certification Ltd's internal committee.
- Concerns raised by multiple stakeholders, indicating the need for an external perspective.

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5.2 Establishing the Independent Panel

- Composition: We appoint a panel of professionals external to Kaizen Certification Ltd (e.g. legal experts, experienced assessors, or senior figures in the built environment sector).
- Terms of reference: These govern the panel's scope, ensuring adherence to the relevant SORs, clarity on responsibilities, and consistent application of rules.
- Selection: Panel members are vetted to ensure no prior commercial ties or personal conflicts with Kaizen Certification Ltd, any other scheme, or the appellant.

5.3 Procedure

- Referral: Cases already considered internally, but requiring further neutrality, are passed to the Independent Appeals Panel.
- Evidence review: The panel analyses all documents, interviews relevant parties if needed, and may request additional evidence.
- Decision: The panel's findings are documented clearly. Its decision is final, binding, and implemented by Kaizen Certification Ltd in accordance with the SORs.

5.4 Communication and Implementation

- Outcome notification: Kaizen Certification Ltd communicates the final verdict and rationale to the appellant.
- Record keeping: All proceedings and outcomes are meticulously recorded, stored, and may be made available to MHCLG upon request.

6. Referral to EASOB under Exceptional Circumstances

While our internal and third-party appeals processes are comprehensive, there may be rare instances where further external oversight is required.

6.1 Criteria for Referral

- Exceptional complexity: A case involves complex regulatory or technical aspects, or cross-scheme issues that extend beyond Kaizen Certification Ltd's remit.
- Potential injustice: Concern arises that a member has been suspended or struck off unfairly or maliciously, with implications for multiple parties or the broader industry.
- Failure to resolve internally: Despite the Independent Third-Party Appeals Process, there remains significant dispute or allegations of perverse treatment.

6.2 Procedure for Referral

- Internal consultation: Kaizen Certification Ltd deliberates on the necessity of referral.
- Formal notification: All parties are informed of the decision to escalate the matter to EASOB.

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- Submission of documentation: Kaizen Certification Ltd submits comprehensive evidence, including prior decisions, appeals outcomes, and relevant background.

6.3 Role of EASOB

- Independent review: EASOB, an oversight body for Accreditation Schemes, evaluates the matter.
- Final decision: EASOB's conclusions and recommendations are communicated to Kaizen Certification Ltd and the appellant.
- Implementation: Kaizen Certification Ltd follows EASOB's directives in line with SOR obligations.

7. Documentation and Record Keeping

Robust documentation underpins the entire appeals process, ensuring compliance with SORs and providing transparency to stakeholders.

7.1 Comprehensive Recording

- Audit trail: From the initial notice of appeal to final decisions, every communication and submission is logged.
- Security: Data is stored securely, accessed only by authorised individuals involved in the appeals procedure.
- Compliance: Our practices align with the UK General Data Protection Regulation (UK GDPR) and the SORs on data management.
- Scotland, appeals files will be made available to the Scottish Government for audit on request.

7.2 Accessibility and Confidentiality

- Limited access: Only staff managing the appeal have direct access to specific case details.
- Confidentiality: We respect privacy rights at every stage, releasing details only with explicit consent or when legally required.

7.3 Retention and Disposal

- Retention period: Appeals records are held for at least five years, then disposed of securely. Kaizen may retain records longer where scheme policy requires.
- Secure disposal: After the retention period, records are destroyed securely to protect sensitive information.

8. Continuous Improvement and Feedback

Kaizen Certification Ltd continually refines its appeals process to stay aligned with industry best practices and the evolving regulatory landscape.

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8.1 Culture of Continuous Learning

- Proactive stance: We actively review how appeals were handled, identifying patterns or weaknesses.
- Staff development: Training on SOR updates and best practices is ongoing to maintain consistent high standards.

8.2 Seeking Feedback

- From appellants: Prospective members, current members, and stakeholders are encouraged to share insights on how the process can be improved.
- Anonymous surveys: Periodic surveys may be used to gather broader feedback from scheme members.

8.3 Regular Reviews and Updates

- Policy revisions: We review the Appeals Process Handbook periodically to incorporate new regulatory requirements or lessons learned from actual cases.
- Communication: Any changes are clearly communicated to members, prospective members, and stakeholders to ensure transparency.

9. Conclusion

The appeals process at Kaizen Certification Ltd reflects our unwavering commitment to fairness, impartiality, and transparency. By offering:

- Clearly defined pathways for prospective and current members to challenge decisions.
- A third-party independent appeals mechanism for neutral oversight.
- A route for referral to EASOB under exceptional circumstances.
- Comprehensive documentation and ongoing improvement processes.

…we strive to ensure that every appeal is addressed properly, consistently, and in accordance with the SORs. Our ultimate aim is to safeguard the trust placed in Kaizen Certification Ltd's accreditation scheme, fostering confidence among our members, stakeholders, and the broader industry.

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