

## COMPLAINTS AND APPEALS

### Complaints about compost producers on the Scheme

Where possible, any complaint about a compost producer on the Scheme should be submitted to the relevant certification body by filling in REAL CCS Complaint Form available on the CCS web site, [www.qualitycompost.org.uk](http://www.qualitycompost.org.uk)

However, complaints submitted verbally or by email shall also be accepted and dealt with according to the procedures described below.

In any case, the person receiving the complaint shall record the details of the complaint onto the REAL CCS Complaint Form to ensure the information received is recorded consistently. In the event that REAL is contacted by the complainant, he/she shall be instructed to make the complaint directly to the relevant certification body or complete the above complaint form which will be available from CCS' web site.

REAL is not responsible for organising and carrying out the investigation nor for liaising with any involved parties; it is the certification body's responsibility to lead the investigation and liaise with each relevant party. The certification body shall keep REAL informed about the progress and details of each investigation, and shall also keep the regulator informed for each investigation that involves the regulator.

The certification body may seek from REAL at any time technical interpretation of Scheme, PAS 100 and Compost Quality Protocol requirements, regulatory position statements and any relevant guidelines.

Within 5 working days from receipt of the complaint, the certification body shall:

- a) Establish, with REAL's guidance where appropriate, whether the investigation requires the involvement of the regulator.

*NOTE: Examples of circumstances in which the investigation requires the regulator's involvement are: a) when the complainant is the regulator; b) when the complainant is not the regulator but the complaint was initially received by the regulator and logged in the regulator's complaints management system; c) when a) or b) does not apply but the complainant has alleged that one or more provisions in the site's environmental permit / waste management license is not / are not complied with AND the operational issue is relevant to PAS 100 production requirements; and d) when a) or b) does not apply but the complainant has alleged that pollution of the environment occurred or aspects related to compost quality mean that the compost may have to be regulated as 'waste'.*

- b) Where possible, confirm to the complainant in writing that the complaint has been received. REAL shall be copied in the written communication;
- c) Where appropriate, inform the compost producer in writing that a complaint has been made and the nature of the complaint. REAL shall be copied in the written communication; and

- d) Where possible, gain from the complainant any information / evidence relevant to the investigation and/or if necessary, seek clarification about the nature of the complaint.

When the investigation requires the regulator's involvement, within 5 working days from receipt of the complaint the certification body shall:

- A. notify the regulator via the email address provided for communications, and
- B. once provided with the contacts of the regulatory officer(s) responsible for the area, discuss the complaint details with him/them and, if appropriate, with the regulator team leader(s) (e.g. via a teleconference). This shall be done with the aim to establish:
  - i. whether the complaint is validated
  - ii. whether the complaint alleges that one or more provisions in the site's environmental permit / waste management licence that are relevant to PAS 100 / Protocol production is not / are not complied with (this is a matter for the regulator to investigate);
  - iii. whether the complaint alleges that one or more requirements in PAS 100, the Compost Quality Protocol or REAL's Compost Certification Scheme Rules has not been complied with (this is a matter for the certification body to investigate);
  - iv. whether pollution of the environment occurred, due to the compost being unfit for purpose (this is a matter for both the regulator and the certification body to investigate);
  - v. if pollution of the environment has occurred, whether the cause was the compost being unfit for purpose OR another reason [e.g. the compost was fit for purpose but was not used as instructed by the composter] (this is a matter for both the regulator and the certification body to investigate); and
  - vi. whether a Spot Checks Visit or a Spot Sampling Visit are necessary.

Under the circumstances described in iii, iv and v above the certification body shall:

- a) gain any necessary information / evidence relevant to the investigation from the officer(s) responsible for enforcement of the relevant regulations in the area(s) where the composting activity takes place or the compost is stored or used;
- b) inform REAL, the area officer(s) and the regulator team leader(s) in writing, within 5 working days from the discussion (e.g. teleconference), which actions will be taken to investigate into the complaint and when they will be carried out;
- c) start the investigation within 5 working days from the discussion (e.g. teleconference);
- d) inform REAL, the area officer(s) and the regulator team leader(s) in writing about the progress made whenever a significant action occurs.

When the investigation does not require the regulator's involvement, the certification body shall:

- a) begin the investigation within 5 working days from receipt of the complaint;

- b) gain any necessary information / evidence relevant to the investigation from the officer(s) responsible for enforcement of the relevant regulations in the area(s) where the composting activity takes place or the compost is stored or used;
- c) inform REAL in writing of which actions will be taken to investigate into the complaint and when they will be carried out; and
- d) inform REAL in writing about the progress made whenever a significant action occurs.

Where it is considered appropriate by the investigating party/ies, the certification body shall carry out Spot Checks Visits or Spot Sampling Visits promptly and normally within 10 working days from the discussion.

Where it is considered appropriate by the investigating party/ies, the certification body shall also take sample/s of the relevant compost grade and send it/them to an REAL appointed laboratory for testing on the quality parameter(s) on which the compost is alleged deficient.

There is no obligation for a Spot Checks Visit or a Spot Sampling Visit to be pre-announced; if pre-announced, the notice period should be the shortest practicable.

On completion of the investigation and decision on whether the complaint is upheld, within 5 working days the certification body shall inform the complainant and the compost producer in writing whether the complaint was upheld and the key reason(s) for that decision. REAL shall be copied into the written communication, as too shall the regulator if involved in the investigation.

Regarding a Spot Checks Visit or a Spot Sampling Visit, the compost producer against whom the complaint has been made shall pay the certification body any fee charged; this fee is payable whether or not the complaint is upheld. The approved laboratory's fee for compost sample testing will be paid by the compost producer, regardless of whether or not the complaint is upheld. If the complaint is upheld, the compost producer shall also pay the certification body any investigation costs it has incurred in addition to, or instead of, a Spot Checks Visit. The certification body's documentation shall clearly identify the fee payable by the compost producer for a Spot Checks Visit and refer him/her to this clause in REAL's Compost Certification Scheme Rules.

[Animal Health \(England, Scotland and Wales\)](#) and [Veterinary Service \(Northern Ireland\)](#) shall also be kept informed about the investigation if the complaint is relevant to them.

## **Complaints about the Certification Bodies**

Any complaints from participating compost producers about the services provided by the certification bodies shall be submitted to the relevant certification body at first and include the following information:

- Organisation name and contact details;
- Name and contact details of the person within the organisation making the complaint; and
- Description of the aspects of the service that the complaint refers to.

Upon receipt of a complaint, the certification body shall promptly inform REAL and investigate into the complaint according to the certification body's internal complaint procedures. It shall also take any necessary actions to address the complaint, report on the outcome to REAL and ensure that the complainant is kept informed in writing of the outcome of the complaint.

If the complainant remains unsatisfied of the outcome of the investigation, the complaint shall be referred to REAL and the complainant shall be informed accordingly.

Each time it meets, or upon request, REAL's Compost Certification Scheme Technical Advisory Committee shall be provided with an anonymised list of all complaints about the certification body, including the number and a summary of their subjects and outcomes.

## **Appeal against certification bodies' decisions**

Any individual who or organisation that appeals a decision taken by the certification body shall follow the certification body's relevant appeal procedures.

The certification body shall keep REAL informed of all appeals received, their subjects and outcomes.

If the individual or organisation who made the appeal remains unsatisfied of the outcome of the CB's appeal procedures, the case shall be referred to REAL and the individual or organisation shall be informed accordingly.