

BCI Appeals Committee

Terms of Reference 2018

Introduction

The BCI Appeals Committee was formed to provide objective, consistent, and evidence-based decisions for Producers appealing against BCI licensing decisions. Under BCI's revised assurance structure (adopted in 2018), licensing decisions for Producers are made by BCI Assurance Managers, based on the outcomes of Self-Assessment and External Assessment (including second-party credibility checks by IPs and BCI staff, along with third-party verification visits). Producers may appeal against a licensing decision by following BCI's Appeals Procedure and submitting a written application (along with objective evidence) within 10 days of being informed of a licensing decision.

Out of the standing pool of Appeals Committee members, the BCI Assurance Manager appoints a dedicated panel of 1-3 members to resolve each Appeal received. The BCI Assurance Manager also coordinates all correspondence with members of the Appeals Committee, organises meetings to discuss each Appeal received, and captures notes from these meetings.

Membership and selection of the Committee

The Appeals Committee is composed of BCI Country Managers and selected third-party verifiers. BCI Country Managers are permanent members of the Appeals Committee.

External (third-party verifier) members are appointed by the BCI Director of Standards and Assurance and will serve for a one-year term, subject to extension by mutual consent. External members are appointed as individuals, not representatives of their organisation or employer. They are expected to represent their individual viewpoint, not the viewpoint of their organisation during appeals decisions.

External members will be required to submit a written application and participate in a preliminary conference call with BCI Assurance Managers. Candidates will be selected based on their demonstrated experience with the Better Cotton Standard System along with their confirmed interest and availability to participate.

Responsibilities of the Appeals Committee

Members of the Appeals Committee are responsible for fulfilling the following duties:

1. **Commit sufficient time and resource to the work of the Committee to ensure thorough and timely decisions on each Appeal.** This includes keeping the BCI Assurance Team informed of any significant periods of leave (or other non-availability) during licensing seasons. Eligible panel members will first be contacted with a request to handle a specific appeal and will be able to confirm their availability.
 - o Time commitment for each Appeals Committee member is estimated to be approximately 30 hours between early August 2018 and end of June 2019 (based on 4 hours per appeal and roughly 6/7 appeals per year per member of the Committee).

This can vary as it is difficult to predict the number of licensing appeals in any given season.

- For each Appeal accepted by a Committee member, the process will typically include 1-2 hours to review the application (including consulting with relevant sections of the BCI P&C) and prepare for the Appeals Panel meeting; 1.5 hours to attend the meeting, and 1-1.5 hours to assist with the write-up of the final decision.
2. **Ensure fairness and objectivity in all Appeals-related discussions and decisions.** Appeals decisions must be made based on the definitive text in the BCI P&C, along with the objective evidence provided by the appellant and the BCI Assurance team (e.g. on behalf of third party audits or external assessment carried out). Any conflicts of interest must be transparently declared to the BCI Assurance Team in advance of agreeing to accept an Appeal assignment. All decisions of the Appeals Committee are to be communicated in written English with a clear rationale outlined for the decision.
 3. **Follow agreed timelines to review each Appeal, including preparation work, participation in scheduled meetings, and finalization of the decision.** Each Appeal must be decided within 35 days of receipt, and the schedules of multiple Committee members must be coordinated during this process. Therefore, it is critical that all members of the BCI Appeals Committee deliver on their agreed responsibilities and deadlines (barring exceptional circumstances). Please refer to [Annex 1](#) for an illustrative timeline for processing each Appeal decision
 4. **Maintain full confidentiality for all information related to a licensing Appeal.** All information and evidence provided by the Appellant, BCI, and third-party auditors or Implementing Partners to support an Appeal application or decision must be considered confidential and shall not be shared outside of the BCI Assurance Team and members of the Appeals Committee (information is not to be shared even with other colleagues within a third-party verifier organisation).
 5. **Raise any concerns about the performance or impartiality of the Appeals process or Committee directly to the BCI Assurance team** as soon as possible. Any potential questions around the independence or functioning of the Appeals Committee, or the legitimacy of appeal applications, should be referred to the BCI Assurance team directly.

Reimbursement

External members will be reimbursed for their time at a fixed hourly rate which will be set by country level and agreed before confirming participation in the Appeals Committee. External members are required to track their hours spent and if they exceed the estimated time commitment (4 hours/ appeal assigned and accepted) should let the BCI Assurance Managers know in advance of exceeding this estimate.

BCI should be invoiced by external members within 30 days of completing an appeal decision.

Annex 1: Example timeline for Appeals Process

BCI Revised Appeals Process - 2018-2019		Calendar Days																																							
Process step	Who	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35					
Appeal received and checked for eligibility	Program Officer/ Coord	█	█	█																																					
Once eligible- further information provided	Program Officer/ Coord		█	█	█	█	█	█	█	█	█	█	█	█	█	█																									
Appeals Panel formed and meeting scheduled	Assurance Manager			█	█	█	█	█	█	█	█	█	█	█	█	█																									
Review and send documents to Appeals Panel	Assurance Manager															█	█																								
Appeals Panel review documents - 1 week	Appeals Panel																																								
Appeals meeting/ discussion	Appeals Panel																																								
Final outcome written up	Appeals Panel/ Assur. Crd																																								
Final decision sent to appellant	Appeals Panel																																								
Information updated in OPD	Program Officer/ Coord																																								