

## TERMS OF REFERENCE (TOR)

### CONSULTANT FOR THE DEVELOPMENT OF THE “RSPO COMPLAINTS AND APPEALS: CASE DIGEST (2009 - PRESENT)”

#### BACKGROUND

The Roundtable on Sustainable Palm Oil (RSPO) is a not-for-profit, international membership organisation that unites stakeholders from the 7 sectors of the palm oil industry to develop and implement global standards for sustainable palm oil.

To deal with conflicts that may arise in the application of RSPO’s key documents, RSPO instituted a complaints system that would provide a fair, transparent and impartial process to address complaints and appeals against RSPO members. The RSPO Complaints and Appeals Procedure 2017 (CAP 2017) sets out the current procedure for dealing with such complaints and appeals, guided by the principles of accessibility, efficiency, impartiality, accountability and independence.

#### OBJECTIVE

Given the growing body of decisions delivered by the RSPO Complaints Panel (including the Appeals Panel, moving forward under CAP 2017), it is pertinent that the resulting body of knowledge is properly documented and distilled into a publication, which would greatly enhance stakeholders’ understanding and use of the complaints system to effectively address breaches of RSPO’s key documents, including decision-making.

As such, RSPO is desirous of engaging a consultant to develop the RSPO Complaints and Appeals: Case Digest (2009 - Present) based on the following terms of reference:

(a) Scope

All decisions by the Complaints Panel and Appeals Panel, from 2009 to present.

(b) Duration/Milestones

Project to be satisfactorily completed within 6 months.

Phase 1 (1 month)	Decided cases from 1 August 2017 to present
Phase 2 (3 months)	Decided cases from 2009 - 31 July 2017
Phase 3 (2 months)	Reported cases from 2009 - 2017

(c) Fees and Progress Payment

The Consultant shall submit his/her proposed fees for review.

Payment will be made in 2 phases, upon satisfactory completion of Phases 1 and 2, and thereafter Phase 3.

(d) Methodology and Deliverables

The Consultant shall submit his/her proposed methodology for the satisfactory completion of this Project, including the template/layout for each case summary. Each case summary should comprise, among others, the following key elements in a clear and succinct manner:

- (i) Allegations/Issues;
- (ii) Findings/Breaches;
- (iii) Sanctions (corrective and/or punitive); and
- (iii) Other significant matters, if any.

(e) Progress reporting

Submission of the Consultant's work for each phase must be done 2 weeks prior to the end of each phase. A meeting to discuss necessary rectification or confirm satisfactory completion will be conducted before the start of the next phase.

(f) Copyright

Copyright to the RSPO Complaints and Appeals: Case Summaries (2009 - Present) shall remain with RSPO.

(g) Service Agreement

This TOR shall form part of the Service Agreement that will be signed between RSPO and the Consultant for the purposes of this Project.

**QUALIFICATIONS AND SKILLS**

The Consultant should possess the following qualifications and skills:

- (a) Degree in Law;
- (b) At least 5 years of post qualification experience, preferable in legal practise/advisory;
- (c) Sophisticated drafting skills;
- (d) Excellent command of English, both written and spoken; and
- (e) Proactive and independent.

Prior consultancy experience in similar projects is an added advantage.

**ESTIMATED START DATE AND END DATE**

The Project will commence on 1 October 2018.

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