



ISEAL Code Development and Revision Procedure

Version 4 – November, 2015

Scope

This procedure applies to the initial development and revision of [ISEAL Codes of Good Practice](#). It also includes provisions for developing **clarifications**¹ or **interpretations** of a requirement within any of the ISEAL Codes of Good Practice. This procedure does not apply to the development or revision of other ISEAL Credibility Tools, such as non-normative guidance or Good Practice Guides.

Regular Review

This procedure shall be **reviewed** at least every 3 years and revised on an as needed basis. Comments or suggestions for improving the procedure are welcome at any time and can be sent by email to consultation@isealalliance.org or by contacting ISEAL directly by mail or phone.

Complaints

Complaints about the application of this procedure can be submitted in writing to the ISEAL Secretariat at consultation@isealalliance.org or by mail. Complaints shall be considered according to the *ISEAL Complaints Procedure*².

Procedure

A. Code Governance

For an overview of the actors in the Code Development & Revision process, please see Annex 1

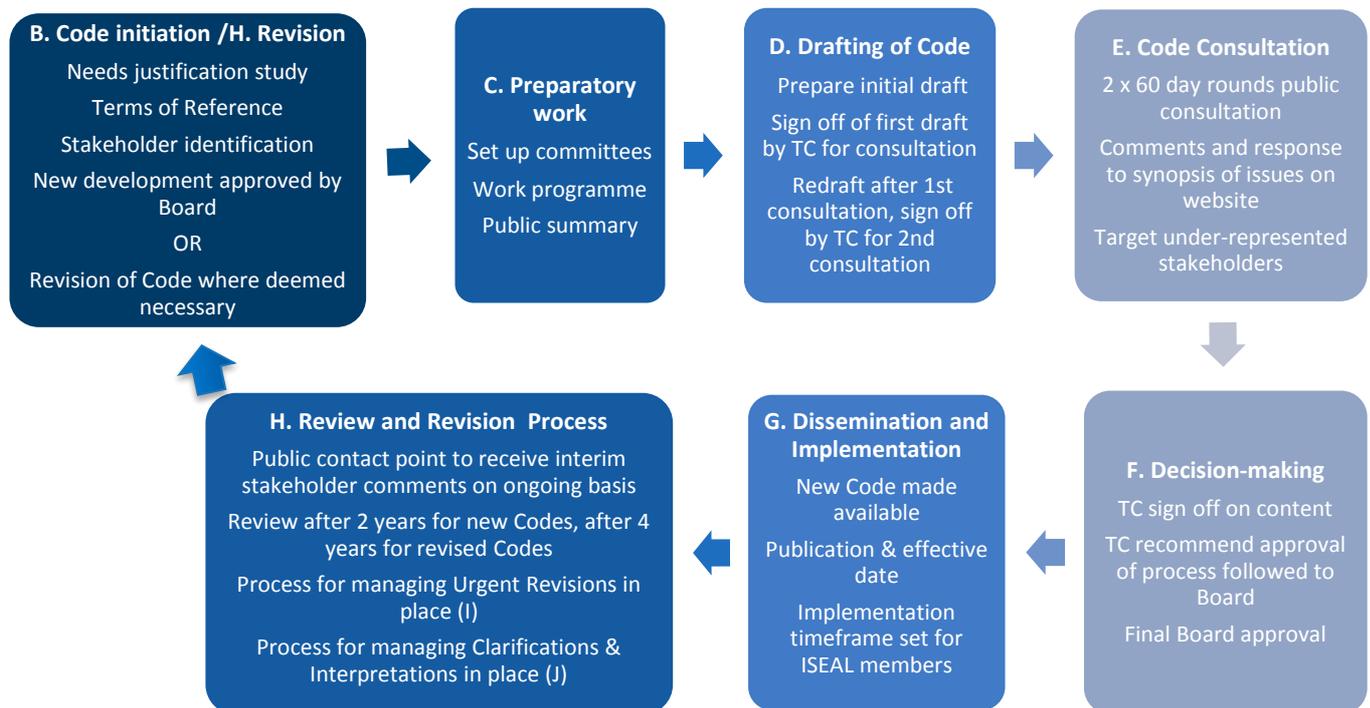
Roles and Responsibilities:

¹ Individual words in bold are covered under the 'definitions' section

² Current version found at www.iseal.org/complaints

1. **The Technical Committee (TC) shall be responsible for oversight of the Code development/revision process** and shall make recommendation to the Board of Directors for final sign off of a Code of Practice.
2. **For all new Code development, the TC shall be supported by a Steering Group (SG).** The SG shall make recommendations on the content of the draft Code and shall approve drafts of the Code for further consultation or for decision.
3. **For Code revisions, the TC shall be supported by either a Steering Group or an informal Sounding Body (SB).** In the latter case, the Sounding Body provides input to the process but has no formal decision-making role.
4. **The ISEAL Board of Directors shall be responsible for final approval of new and revised Codes, based on quality of process followed** (and following a recommendation by the Technical Committee regarding both the content and the process).
5. **The ISEAL Secretariat shall appoint a staff person to act as Project Manager for both new Code development and revisions.** The Project Manager shall be responsible for coordinating the development and revision of Codes and the consultation process, as well as acting as a point of liaison between the Steering Group or Sounding Body, the Technical Committee, and the Board.

Figure 1: Overview of the Code Development and Revision Process (as per sections below)



B. Initiation of a New Code

6. In its regular deliberations, the Technical Committee (TC) shall assess the need for new Codes of Good Practice, based on proposals submitted by interested stakeholders or on their own assessment. Where the TC feels that further review is warranted, the TC shall seek Board approval to commission a Needs Justification study.

7. Upon Board approval, the TC shall empower the Secretariat to prepare a Needs Justification study, which shall include the following elements:
 - 7.1 Documentation of expressed need for such a Code, including results of any consultation with standards systems and other stakeholders;
 - 7.2 Summary of the most important issues falling within the scope of the Code, and proposed indicative scope and objectives;
 - 7.3 Identification of similar guiding documents either in existence or in development and an assessment of their relevance;
 - 7.4 Preliminary stakeholder analysis and identification of key as well as potentially disadvantaged stakeholder;
 - 7.5 Assessment of the risks in implementing the Code and how to mitigate for these; and
 - 7.6 Financial and workload implications associated with Code development and maintenance.
8. The Board shall then make a decision whether to proceed with the development of the new Code based on the findings of the needs justification study and shall communicate this to the TC. Where there is a decision to proceed, the Secretariat shall appoint a Project Manager to manage the development process.
9. Where the Board decides that a new Code is warranted, they shall designate the TC with responsibility for preparing a Terms of Reference for the new Code, which shall include, at minimum, the following information:
 - 9.1 Scope of the proposed Code – intended users of the Code and an indicative list of the most important issues to be included;
 - 9.2 Clear objectives that the new Code would seek to achieve;
 - 9.3 Conclusions from the needs justification study; and
 - 9.4 A timeline for the development of the new Code.
10. The Technical Committee shall submit to the ISEAL Board the completed Terms of Reference for Board approval.

New Code Development

C. Preparatory Work

11. Upon approval of the Terms of Reference for the Code and with sufficient funding secured, the Project Manager, on behalf of the TC, shall develop Terms of Reference for the Steering Group (SG) and solicit nominations for participants. The Project Manager shall formally appoint SG members and shall endeavour to establish a representative balance between key stakeholder interests within the SG.
12. The Steering Group, in its first meeting, shall consider relevant background information and shall note to the TC:
 - 12.1 Any concerns which would benefit from further consideration by the TC;
 - 12.2 The need for any additional background research required to inform Code drafting;

12.3 The need for and scope of any sub-groups, including suggested participants; and

12.4 A Plan of Action for the consultation process, including proposed consultation mechanisms and explicit approach for consulting with potentially disadvantaged stakeholders.

13. The Project Manager shall seek nominations for any necessary sub-groups and shall prepare documented Terms of Reference for each sub-group. Sub-group members shall be confirmed by the Steering Group.

D. Drafting of the Code

14. The Project Manager shall prepare a public summary of the process and timeline for development of the proposed Code. The public summary shall be made available through the ISEAL website and to all ISEAL stakeholders. This public summary shall include, at minimum:

14.1 Contact information;

14.2 A summary of the Terms of Reference for the Code, including the proposed scope, objectives, rationale and justification of the need for the Code;

14.3 Steps and timelines in the Code development process, including clearly identified opportunities for stakeholders to contribute; and

14.4 Decision-making procedures, including how decisions are made and who makes them.

15. The Project Manager shall contract any required background research, as determined by the Steering Group to inform its work.

16. The SG, supported by the Project Manager, shall prepare the initial draft and subsequent drafts of the Code. This shall include a check for consistency between the new Code and existing Codes and that elements of overlap or references to other Codes are considered during the initial drafting process.

17. When the SG is satisfied with the drafting, they shall inform the TC who shall review for sign-off on the first draft for consultation. If the TC is not satisfied with the draft, they shall liaise with the SG and Project Manager to refine the draft.

E. Code Consultation

18. The first formal consultation period shall be two months in length. The Project Manager shall make publicly available the draft Code, along with a comment submission form and details for where to submit comments.

19. The Project Manager shall use consultation mechanisms to proactively engage all identified key and disadvantaged stakeholders, at minimum sending an email invitation to participate in the consultation.

20. At the conclusion of the consultation period, all comments shall be made available through the ISEAL website. The SG, assisted by the Project Manager, shall consider the comments received in their revision of the Code.

21. Once the SG has agreed on a revision of the draft Code, they shall forward it to the TC who shall sign off on it for a second two month consultation. If the TC is not satisfied with the revised draft, they shall liaise with the SG and Project Manager to refine the draft before the second consultation. The SG shall note any specific parts of the Code where focused consultation would be beneficial.

22. The Project Manager shall then post the revised draft on the website and inform stakeholders of its availability, along with a synopsis of how comments were addressed in the revised draft Code and drawing attention to any particular issues on which focused comment is requested.
23. Prior to the second consultation, the Project Manager shall assess the balance of participation in the consultation to date so as to be able to actively seek to engage under-represented stakeholders during the consultation.
24. Following the second consultation period, all comments shall again be made available through the ISEAL website. The Project Manager and SG shall consider the comments received and prepare a revised draft of the Code. The Project Manager shall prepare a publicly available synopsis of how the comments and contributions were addressed in the revised draft Code.
25. If the SG feels that there are any remaining areas where significant differences of opinion remain, these shall be noted to the TC. The TC shall decide if additional rounds of consultation are necessary and shall document the rationale. In cases where additional consultation is required, the TC shall sign off on appropriate consultation mechanisms, scope and timeline, which shall include the same consultation feedback loops as above.
26. Once the TC is satisfied with the final draft Code, it shall be circulated for an indication of support by all stakeholders who submitted comments during the consultation.

F. Decision-Making

27. The Project Manager shall prepare a summary of the Code development process and shall forward this to the TC along with the final draft Code, a side by side comparison with the previous version of the Code, synopsis of input and summary of stakeholder support.
28. The Technical Committee shall make a recommendation to the ISEAL Board on approval of the Code based on both i) the content of the Code and whether it meets the objectives outlined in the Code's ToR and ii) on the extent to which the development process has complied with the procedures laid out in this document.
29. The ISEAL Board shall make the final decision on approval of a Code of Good Practice based only on Code consistency with the original Terms of Reference and on the adequacy of the development process, as outlined in the TC recommendation. The Board shall not revisit the content of the Code. In reaching its decision, the Board shall be provided with and consider:
 - 29.1 A copy of the proposed Code;
 - 29.2 A list of the information used by the TC to inform their discussions;
 - 29.3 A summary of major issues or changes in the Code, and
 - 29.4 An implementation timeframe for existing members to come into compliance with the given Code.
30. Any deviation in the Board decision from the recommendation of the TC shall be justified, documented and made publicly available on the ISEAL website. Where the Board decides not to approve the Code, they shall indicate to the TC what additional information or action is required before reconsidering approval.

G. Dissemination and Implementation of the Code

31. On approval of the Code, the ISEAL Secretariat shall notify the TC, SG and all ISEAL members within two weeks.

32. The ISEAL Secretariat shall publish the Code on the ISEAL website within one month of approval and shall notify all ISEAL stakeholders and participants in the consultation via email.
33. The ISEAL Secretariat shall note in any new or revised Code the final version number and the publication date, as well as the date for the next review to commence, which shall be within 4 years of the most recent Code's publication. The Secretariat shall also inform members of the effective date by which the new or revised Code comes into effect. This will usually be within one year after the publication date.

H. Review and Revision Process of ISEAL Codes

34. All Codes shall be reviewed by the TC on a regular basis to assess whether a revision is necessary. The first review after a new Code has been developed shall take place within 2 years of initial approval. Subsequent reviews shall take place at least every 4 years.
35. In advance of a review, the Secretariat shall seek input from the Board on the Terms of Reference for the Code, including their perspective on the need for a revision, and shall provide this input to the TC along with a list of the comments received and a summary of the main issues raised during the interim period. The TC shall consider the continued appropriateness of the Terms of Reference for the Code, and specifically the scope and objectives. Where the TC proposes changes to the Terms of Reference, they shall submit the revised ToRs to the Board for approval.
36. A decision to proceed from a review to a revision shall be taken by the TC based on their assessment of the input received and consideration of the need for changes to the Code. Where revision is required, the timing of the revision process shall be determined by the Secretariat, ensuring that this is compatible with ISEAL's approved budget. Where the TC decides not to proceed with a revision they can also choose to delay the revision process pending additional input to be gathered by the Secretariat.
37. In the event of a Code revision, the consultation process shall be the same as for the development of a new Code (sections C-G) with the following exceptions:
 - 37.1 The second consultation period in a revision may be shortened from 60 to 30 days, where justified in writing. The consultation shall take into account comments received in the intervening period since the Code was last approved, including comments received during feedback on the final draft.
 - 37.2 Where the TC does not anticipate a significant revision, they can propose that the Steering Group be replaced by an informal Sounding Body (SB) of self-nominated, interested stakeholders whose non-decision-making role is to provide feedback on how the Project Manager should integrate consultation input in revised drafts of the Code. The Secretariat shall decide on the appointment of SB participants. The size and composition of the Sounding Body shall be consistent with its Terms of Reference, developed on a case by case basis. TC determination of whether a revision is significant shall be based on the following factors:
 - The extent of stakeholder feedback (objections, comments or suggestions) received during the interim period before the next scheduled revision;
 - Proposed changes to the scope of the Code and who it should apply to;
 - Changes in the landscape in which the Code is applied; or
 - Any anticipated major implications for those who will be directly affected.

37.3 For revisions where a Sounding Body is in place, the Project Manager shall develop a revised draft Code at the end of each consultation period and shall seek input from the Sounding Body. The Project Manager shall retain responsibility for determining when revised draft Codes are ready for TC sign off, either for further consultation or for recommendation for Board approval.

I. Urgent revisions

38 The Technical Committee can make a recommendation to the Board for an **urgent revision**, based on comments received in the interim period before a scheduled revision, or additional information from the Secretariat. Conditions under which an urgent revision can be triggered may include, but are not limited to:

38.1 Formal complaints raised by stakeholders that are deemed to have merit as per the ISEAL complaints procedure;

38.2 Problems of implementation which affect multiple organisations;

38.3 Perceived threats to ISEAL's credibility; or

38.4 Changes in legislation or international normative references that are referenced in the Code(s) of Good Practice.

39 The Secretariat shall prepare a paper outlining reasons for the proposed urgent revision and shall submit this to the TC. Where the TC feels the urgent revision has merit, they shall make a formal recommendation to the Board. The TC may recommend an Interpretation in place of an urgent revision, where the trigger for a potential revision stems from the need to better explain the intent of a Code requirement.

40 The Board shall then make a decision whether to proceed with the urgent revision and shall inform the TC. In case a recommendation is not approved, the Board shall provide reasons for the decision.

41 Where an urgent revision is required, the Project Manager, in consultation with the TC shall draft a proposed change and submit to the Board for approval.

42 Urgent revisions shall not be required to undergo a public consultation process. However, any approved urgent revisions shall be included in the subsequent regular Code revision and consultation process.

43 Upon Board approval of an urgent revision, a new version number of the Code shall be created along with an effective date, and this Code shall be published on the ISEAL website and announced to ISEAL stakeholders.

J. Administrative and Non-substantive Changes

44 Administrative and non-substantive changes may be made at any time at the discretion of the TC. These do not require a formal revision process though any changes that are made shall be noted to stakeholders in the subsequent revision process and published in a list of changes on the ISEAL website. Administrative and non-substantive changes do not affect the regular review and revision cycle but shall require a new version number of the Code, to be issued and published on the ISEAL website.

K. Clarifications and Interpretations

- 45 Any stakeholder may submit a request for clarification regarding requirements in a Code of Good Practice, using the *Clarification Request Form* and including background to the request, such as the specific reason(s) that triggered the request.
- 46 The ISEAL Secretariat shall determine if the request merits a simple clarification or further investigation for an Interpretation, using the decision tree listed in Annex 2.

Clarifications:

- 47 A **clarification** is an informative explanation of the intent of a requirement in an existing ISEAL Code of Good Practice. Clarifications are developed by the ISEAL Secretariat.
- 48 Where a clarification is required, the ISEAL Secretariat shall provide an explanation which refers to existing ISEAL Codes of Good Practice, other guidance or documentation or referring to examples of good practice.
- 49 The clarification shall be provided to the individual who requested it, circulated to all ISEAL members and posted on the ISEAL website.

Interpretations:

- 50 An **interpretation** is a normative explanation of the intent or application of a requirement based on stakeholder consultation, where the interpretation has implications for how compliance is assessed and where existing requirements and guidance are ambiguous or lacking. Interpretations require TC approval.
- 51 Where an Interpretation is required, the ISEAL Secretariat shall oversee the development of the Interpretation and shall report to the TC for a decision on approval.
- 52 The ISEAL Secretariat shall prepare a consultation paper which includes at least the following:
 - 52.1 Scope of the issue for interpretation;
 - 52.2 Considerations;
 - 52.3 A draft proposal for review;
 - 52.4 Consultation process, including timeline and opportunities for stakeholders to contribute; and
 - 52.5 Decision-making process – including how decisions are made and by whom.
53. ISEAL Interpretations shall be subject to a minimum consultation of 60 days. The ISEAL Secretariat shall proactively inform ISEAL stakeholders of the draft proposal and shall make it publicly available on the ISEAL website.
54. The ISEAL Secretariat shall prepare a summary of input received and shall submit it together with a revised draft interpretation for a decision by the ISEAL Technical Committee. Where an interpretation is approved, it shall come into immediate effect and shall be communicated to ISEAL stakeholders, announced on the ISEAL website, and provided to the ISEAL Board at their next meeting for information.
55. Where appropriate, interpretations shall be incorporated into the relevant Code of Good Practice during its next revision.

L. Review and Revision of Code Development and Revision Procedure

56. A regular review of the Code Development and Revision Procedure itself shall take place at least every 3 years. This review shall be based on any comments received during the interim period.
57. The TC shall review all comments received and decide whether a revision of the procedure is required.
58. The ISEAL Secretariat shall prepare a draft of the revised procedure for TC sign off.
59. Where there are significant proposed changes, the TC shall make a recommendation to the Board for final approval. Changes that are deemed 'significant' include, but are not limited to:
 - 59.1 Changes in decision-making roles and responsibilities.
 - 59.2 Changes that would impact implementation e.g. time and cost.
 - 59.3 Change in strategic direction of ISEAL Alliance and the purpose of the Codes of Good Practice.

Related documents:

- ISEAL Code Revision Checklist
- Technical Committee Terms of Reference
- Clarification Request Form
- ISEAL Complaints Process

Definitions:

Clarification: an explanation of the intent of a requirement based on existing ISEAL Codes of Good Practice, other guidance or documentation or referring to examples of good practice. Clarifications are developed by the ISEAL Secretariat.

Interpretation: a normative explanation of the intent or application of a requirement based on stakeholder consultation, where the interpretation has implications for how compliance is assessed and where existing requirements and guidance are ambiguous or lacking. Interpretations require TC approval.

Review: The process of analysing comments and feedback received to the continued effectiveness of an ISEAL Code of Good Practice. A review shall consider whether the Standard should be formally and publicly revised (adapted from MSC definition, [MSC Standard Setting Procedure v3, 2013](#)).

Urgent revision: revisions that include changes to the Code requirements that would require a change in practices by users of the Codes, including ISEAL members. Revisions that are considered 'urgent' are those that cannot wait until the next scheduled revision of the Code, due to the reasons outlined in section I.

Annex 1: Roles and Responsibilities

| Actor | Primary Functions | Composition |
|--------------------------|---|---|
| ISEAL Project Manager | Coordinate the development of new and revised Codes and associated consultation processes on behalf of the Technical Committee. | 1 ISEAL staff person |
| Steering Group | Expert working group to provide recommendations to the Technical Committee on the content of a new Code and process to develop it. | Balanced committee of representatives from standards systems or those with technical expertise in the field of sustainability standards standard-setting, monitoring and evaluation or assurance systems (open to non-ISEAL members) – composition defined by the ToR |
| Sounding Body | Informal advisory group to provide input on the consultation drafts of Code revisions and comments raised. Does not hold any formal decision-making role. | Informal Committee of representatives from standards systems or those with technical expertise in the field of sustainability standards standard-setting, monitoring and evaluation or assurance systems (open to non-ISEAL members) – composition defined by the ToR |
| Technical Committee | Final sign-off on content of the Code. Propose final approval to Board, based on content and quality of process followed. Final approval of Interpretations | Multi-stakeholder decision-making body (includes external stakeholders). Composed of up to 9 individuals appointed by the ISEAL Board, plus a designated Board member liaison. Up to 1/3 of representatives are full or associate members of ISEAL. Individual representatives have strong overall understanding of sustainability standards. <i>See Technical Committee ToR</i> |
| ISEAL Board of Directors | Final approval of Code, based only on quality of process followed | Composed of 9 seats for ISEAL full member organisations. <i>See Board ToR</i> |

Annex 2: Decision-making tree – determining Clarifications versus Interpretations

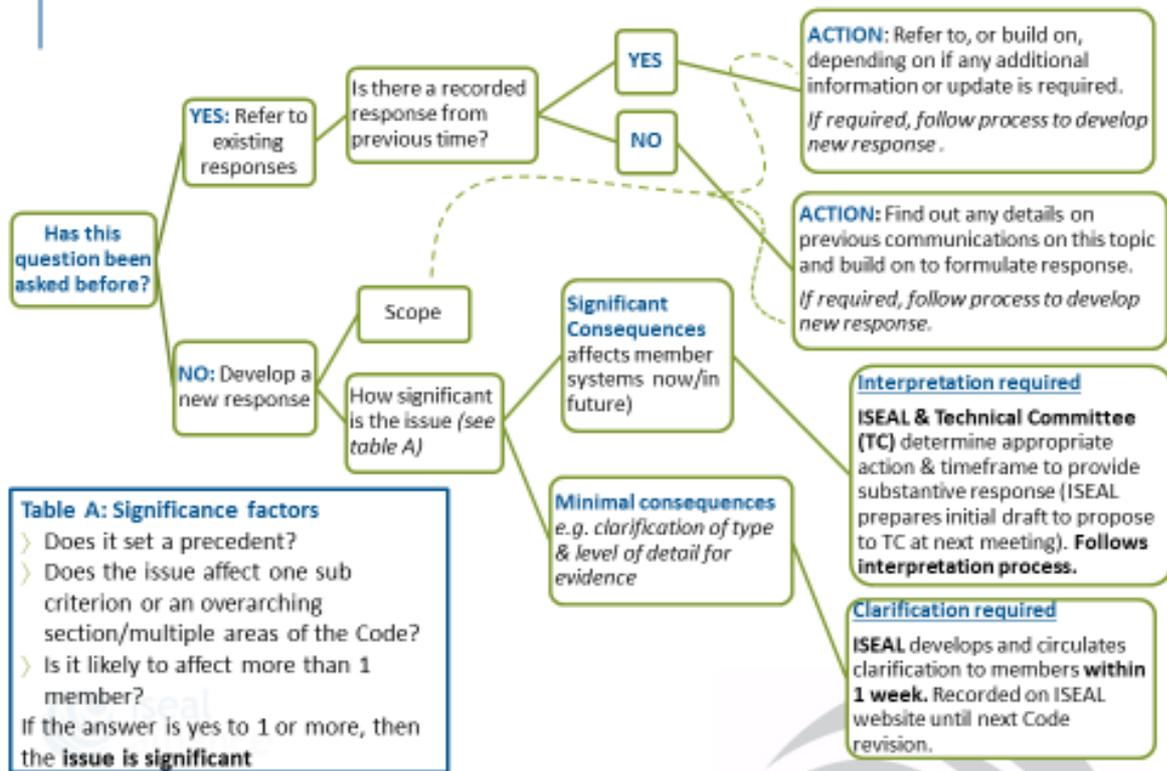


Table A: Significance factors

- > Does it set a precedent?
 - > Does the issue affect one sub criterion or an overarching section/multiple areas of the Code?
 - > Is it likely to affect more than 1 member?
- If the answer is yes to 1 or more, then the **issue is significant**