

CMSI Consultation Response

Respondent Details

NAME

Marilie Parsons

COUNTRY

South Africa

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Industry (midstream)

ORGANISATION

Sibanye-Stillwater

COMMENTS & QUESTIONS BY DOCUMENT

QUESTION 1

Overall does the revised version of the Consolidated Standard system (including Standard, Assurance Process, Governance Model* and Claims Policy) meet your expectations for improvement relative to the original public consultation version?

Response: 3: Meets expectations

QUESTION 2

From your perspective, does the updated Consolidated Standard system, including Standard, Assurance Process, Governance Model* and Claims Policy meet expectations for driving performance improvement across the industry at a global scale?

Response: 3: Meets expectations

Document:
Assurance

2. Roles and Responsibilities

SECTION: B. Assurance Providers

COMMENT:

· Timeframes should be specified for e.g. to submit a facility assurance plan to the secretariat for review. It has been found that auditors will submit, and the facilities will then only get the assurance plan only a week before the audit which makes setting up of interviews with workers etc extremely difficult to achieve effectively.

· In the assurance process the assurance providers are to contact and share information with stakeholders -we would guard against this as the stakeholders should firstly be contacted by the facility that holds the relationship. This can create a lot of confusion if left to the assurance providers.

· Clarification of safe space independent from the facility. Does this imply off facilities premises as this will bring additional costing of venue hire which is unnecessary?

4. Consolidated Standard External Assurance Process

SECTION: 4.2 Planning, 4.2.11 Interviewing Workers, Stakeholders and Rights

COMMENT:

The following statement needs to be reworked as “workers” are also representatives of the facility as well.

SECTION: 4.2 Planning, 4.2.13 External Stakeholder and Rights

COMMENT:

It needs to be determined during the interview process whether the interviewee would want the feedback at the end of the interview process or post the assurance onsite process. This is currently not clear in the document.

· When interviewee feedback is used to identify a gap (or used as the rationale to the gap) in meeting a requirement, it is essential that the feedback is communicated to the facility in a clear and actionable manner. Vague or generalised feedback can make it difficult for the facility to understand the issue and implement appropriate corrective actions. To ensure effectiveness, feedback should include sufficient detail or specific examples that evidence the concern and guide the facility in addressing the gap.

SECTION: 4.2 Planning, 4.2.3 Media Scan

COMMENT:

Media scanning can be used purely as guidance, but we also need to acknowledge that media scanning has flaws which can surface issues that are out of context or based on flawed journalism and sensationalism or biased reporting.

SECTION: 4.2 Planning, 4.2.9 Advanced Notice to Stakeholders and Rights

COMMENT:

Although we are supportive of the assurance providers following due process to invite stakeholders to participate in the facilities assurance process -this needs to be communicated in advance of the onsite audit and the facility informed, with the adequate rationale as we have often found that national representation is invited instead of the local representation.

SECTION: 4.3 Execution of Facility Assessment, 4.3.5 Non

COMMENT:

· The standard does distinguish between major and minor non-conformances as it referenced the zero fatalities condition in the standard which becomes a non-eligibility clause to achieving the performance area 9.4. Thus, the wording is to be updated if the clause is being retained in the final standard.

COMMENT:

Under section 4.3.5 it is stated that no distinction will be made between major and minor yet in section 4.3.5.1 it is stated “typically minor or administrative matters” thus a distinction is made between minor and major.

SECTION: General Comment

COMMENT:

During the window period will the assurance provider be required to do another site visit to review the outcomes of the actions or will it be done via interview process with management? Clarification is required.

· The administrative burden might be heavy to meet Additionally, in the years between the Facility's independent assurance, the Facility must update the Continual Improvement Plan and share the update with the Secretariat for publication on the website at least once every calendar year.

· Language being used around days vs business days. Consistent use of language.

· Language consideration of shall: Assurance Providers, as an individual or as a team, shall be independent of the activity being assured. Guidance given is to use must, should or will.

QUESTION 1

From your perspective, does the Assurance Process meet your expectations of a robust, credible, replicable and transparent approach?

Response: 4: Exceeds expectations

Document:
Standard

Performance Area 01: Corporate Requirements

SECTION: 1.2 Sustainability Reporting, Good Practice, 1

COMMENT:

Will the standard then not align with IFRS that focuses on financial materiality?

SECTION: 1.2 Sustainability Reporting, Leading Practice, 2

COMMENT:

Is the expectation on all material topics?

Is it data assurance or disclosure assurance? Or both?

SECTION: 1.3 Transparency of Mineral Revenues, Good Practice, 2

COMMENT:

Again, what is regarded as material payments to governments?

SECTION: 1.3 Transparency of Mineral Revenues, Leading Practice, 2

COMMENT:

This is part of the EITI principles - why separate it as it is already embedded as part of 1.3 Towards good practice 1

SECTION: 1.3 Transparency of Mineral Revenues, Leading Practice, 4

COMMENT:

Stipulate from which date existing mineral contracts will need to be disclosed?

SECTION: 1.3 Transparency of Mineral Revenues, Towards Good Practice, 1

COMMENT:

*This is consistent with the EITI principles for supporting companies)
Add the wording “for supporting companies”*

COMMENT:

What is seen as government payments? Shouldn't the type of payments be specified as the list provided is kept fairly broad?

COMMENT:

What is seen as government payments? Shouldn't the type of payments be specified as the list provided is kept fairly broad?

SECTION: 1.5 Corporate Crisis Management, Good Practice, 1

COMMENT:

Escalation protocol for emergency situation could be explicitly required

Performance Area 02: Business Integrity

SECTION: 2.1 Legal Compliance, Good Practice, 1

COMMENT:

What would be defined as significant?

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 1

COMMENT:

What about human rights and the usage of AI?

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 2

COMMENT:

An ethical and integrity policy can be a duplicate of the Code of Conduct/Ethics. This requirement could be very widely interpreted and may need clarification. The management system in this context can be clarified so that it is clear that the system should include implementation, monitoring and tracking as well.

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 4

COMMENT:

Can this be an informal assessment, surveys or a formal audit?

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 6

COMMENT:

Does “establish guidance on their use” suggest we must specify what the receiving party may use the donation for, or does it refer to guidance on when we may make such donations in the ambit of internal policy. It will be very difficult to control what a receiving party use donations for.

SECTION: 2.2 Business Ethics and Accountability, Good Practice, 7

COMMENT:

How does this differ from “Towards Good Practice 4. Establish an internal process to confidentially receive and resolve ethical and integrity-related complaints from workers.”?

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 2

COMMENT:

Senior members could be easily identified if a specific area is involved.

Balancing this with privacy laws could be challenge and could lead to legal battles if the individual could be identified.

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 3

COMMENT:

What is meant by “priority”? Would this be based on the value of supply in a specific period, the criticality of the material, or service provided, or some other measure?

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 4

COMMENT:

While transparency is essential, risk of misinterpretation by external parties, it could be taken out of context.

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 5

COMMENT:

Our Code e.g., has provisions for lobbying. Regulations are different and disclosure is required either by regulation or listing rules.

Almost blanket disclosure as suggested here might expose internal strategies, it could lead to public criticism or confusion, it could trigger attention from regulators if e.g., our position is different to the majority view. What would be the aim here?

SECTION: 2.2 Business Ethics and Accountability

COMMENT:

Change the order of the requirement so that it is first: develop a code of conduct or policy. Secondly: to publicly report it - or is the policy seen as an additional high-level statement required other than the code of conduct as in some instances it can be one and the same?

SECTION: 2.2 Business Ethics and Accountability, Towards Good Practice, 1

COMMENT:

Would this be a high-level policy statement or a Code of Conduct/Ethics?

SECTION: 2.2 Business Ethics and Accountability, Towards Good Practice, 4

COMMENT:

Include the option to do anonymous reporting as a standard, not just confidential reporting.

Performance Area 03: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Good Practice, 2

COMMENT:

Due diligence process will be conducted by the Facility / Group and will consider its own early warning systems and grievance mechanisms.

However, due diligence processes are conducted on supply chain facilities and should then also consider the supply chain members grievance mechanisms, complaints, incidents etc.

If the latter or both is the intent of this requirement then one should distinguish between the company's "facility" and the supply chain "facility".

SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Towards Good Practice, 2

COMMENT:

Should all of the requirements be included in the contract, or would it suffice that the requirements are within a supplier code of conduct and policy, with the contract requiring compliance to the code/policy?

COMMENT:

To reduce audit fatigue in reducing the risk of duplicated efforts - from an assurance perspective consider or identify which of these principles under 3.1 would be met if facility can demonstrate independent audit (e.g. LPPM) has been done - if proof is provided cross recognised that it means certain or all of the requirements have been met.

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Leading Practice, 3

COMMENT:

How would "fully" be evaluated by auditors? Consider removing "fully"

SECTION: 4.2 Land Acquisition and Resettlement, Towards Good Practice, 2

COMMENT:

Define "culturally appropriate" in the glossary of terms

SECTION: 4.2 Land Acquisition and Resettlement, Towards Good Practice, 3

COMMENT:

Indigenous peoples are not defined in the glossary of terms, and it needs to be defined in at least defined in the largest mining countries so that there is an agreement at facility level and by auditors who is typical regarded as indigenous in the different operating contexts.

Performance Area 06: Child and Forced Labour

SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 1

COMMENT:

include service providers

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 5

COMMENT:

Guidance will be needed on illegal miners entering workplaces.

Performance Area 07: Rights of Workers

SECTION: 7.1 Rights of Workers, Good Practice, 10

COMMENT:

Any practical guidance would be useful for jurisdictional deviations.

In the US context this might be problematic as the absence of federally mandated paid maternity leave in the U.S. is inconsistent with ILO Convention No. 183 standards. As well as the minimum weeks of maternal leave.

Also, in South Africa in a recent judgement parents can split maternity leave.

COMMENT:

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SECTION: 7.1 Rights of Workers, Good Practice, 11

COMMENT:

Jurisdictional sensitivities to be considered: as collective bargaining in South Africa is granted when certain minimum representation levels have been reached.

SECTION: 7.1 Rights of Workers, Good Practice, 12

COMMENT:

Production interferences are limited in the workplace; however, allowance is given for after hour meetings - as long as that context is kept in mind

SECTION: 7.1 Rights of Workers, Good Practice, 6

COMMENT:

“Access to adequate food” as long as this is understood that food restrictions might be applied as employees carrying extra food underground is sometimes done to sustain illegal miners. Therefore, prohibitions are applied.

The assumption is that clothing is means- PPE related clothing?

SECTION: 7.1 Rights of Workers, Good Practice, 7

COMMENT:

Are any exclusions noted? For e.g. in South Africa provisions are made through the Basic conditions of employment act and those earning below the BCEA threshold has specific requirements in terms of working hours etc. Those above the threshold level are excluded from several of the key protections such as overtime limits, ordinary working hours etc. - governed through the employment contract.

Thus, does this include all employees?

SECTION: 7.1 Rights of Workers, Leading Practice, 7

COMMENT:

Will this be required if it's not made a public holiday?

SECTION: 7.1 Rights of Workers, Towards Good Practice, 3

COMMENT:

Respect can be agreed to but provision and acknowledgement has to be made that employees must comply with the minimum standard of fitness as prescribed by legislation (e.g. MHSA)

Performance Area 08: Diversity, Equity, and Inclusion

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 1

COMMENT:

Cost and practicality: Independent reviews across multiple regions are resource-intensive given operational constraints.

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 2

COMMENT:

Public disclosure: Full disclosure of sensitive findings could create reputational and legal risks.

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Good Practice, 9

COMMENT:

How would jurisdictional challenges be addressed for e.g. French law and the Constitution prohibit collecting or publishing data based on race or ethnicity. The CNIL (data protection authority) enforces GDPR rules, treating such data as "special category," requiring explicit consent and limiting use to internal equality programs only. Public disclosure of such sensitive metrics is generally not allowed

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Leading Practice, 4

COMMENT:

Full external disclosure: Sharing detailed internal review findings publicly could expose sensitive workforce data and compliance risks under POPIA and GDPR.

Performance Area 09: Safe, Healthy and Respectful Workplaces

SECTION: 9.1 Health and Safety Management, Towards Good Practice, 6

COMMENT:

Some guard rails on "no-costs to PPE" as Requests for frequent re-issuance outside specific guidelines may be subject to review, and in exceptional cases, costs may be charged if misuse or excessive demand is identified.

SECTION: 9.2 Psychological Safety & Respectful Workplaces, Leading Practice, 2

COMMENT:

Require examples or definition of "diverse perspectives"

SECTION: 9.4 Monitoring, Performance and Reporting, Leading Practice, 2

COMMENT:

Why is this a 3 yearly review vs 4-year cycle as stated in Leading practice 1?

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Good Practice, 1

COMMENT:

We align as long as it is clear not subscribing to VPSHR

SECTION: 11.1 Security Management, Leading Practice, 1

COMMENT:

Requirement is too broad - can it be refined to indicate that it should or can involve policing forums, or community forums or local security teams working in the area etc.

SECTION: 11.1 Security Management, Leading Practice, 2

COMMENT:

We can comply from a training perspective but not sign as signatories of VPSHR

SECTION: 11.1 Security Management, Leading Practice, 4

COMMENT:

Jurisdictional applicability will need to be considered as it will not be possible in all contexts

SECTION: 11.1 Security Management, Towards Good Practice, 1

COMMENT:

As long as the understanding is clear we can commit but not sign up to VPs

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Community Impact Management, Good Practice, 2

COMMENT:

Full participation is not always practically feasible. This is not due to a lack of commitment, but reflects:

Limited community capacity

Complex representation dynamics

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: 16.1 Artisanal and Small, Scale Mining (ASM), Towards Good Practice

COMMENT:

ASM is not applicable in South Africa and cannot be recognized

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Performance Area 17: Grievance Management

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Good Practice

COMMENT:

It should just already be aligned; it does not make sense to say "enhance it with..."

Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Good Practice, 1

COMMENT:

This should move to leading practice

SECTION: 18.1 Water Management and Performance, Leading Practice, 1

COMMENT:

This is not really a standard - more of an ambition that is open for various interpretations.

SECTION: 18.2 Collaborative Watershed Management, Leading Practice, 2

COMMENT:

Supportive of transparency - but against the context of risk misinterpretation and commercial sensitivities to be considered.

SECTION: 18.3 Water Reporting, Good Practice, 1

COMMENT:

Detailed facility-level reporting across all operations can be resource-intensive and may not always provide additional value to stakeholders. The approach should be to prioritize material disclosures at a consolidated group level supplemented by site or facility level information where it is requested by stakeholders or of material nature. Site-level disclosures for high-risk or high-impact facilities.

COMMENT:

The scope of this section needs be described. Even though some criteria may apply to small industrial sites serviced by municipalities, it is written for mining sites where catchments/watersheds come into play.

COMMENT:

18.2 Should be made clear that it only applies to mining sites.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Good Practice, 2

COMMENT:

What will be the guard rails for offsets?

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Good Practice, 5

COMMENT:

Calculating and disclosing biodiversity metrics at site level is technically challenging and resource-intensive, especially for multi-site operators. Ecological settings vary widely; stakeholders asked for flexibility rather than prescriptive formulas. publishing detailed methodologies could lead to misinterpretation by non-experts or create reputational risk if assumptions are misunderstood.

Consider moving to leading practice.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Leading Practice, 4

COMMENT:

Guidance for assurance should be compiled to prevent different interpretation.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 2

COMMENT:

In relation to buffer zones and Ramsar sites, would this be within the site's Aol or the entire buffer zone area and all RAMSAR sites? Some sites may not affect buffer zones and Ramsar sites in areas outside of our Aol.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 5

COMMENT:

As long as the understanding is there that existing mines biodiversity baseline will be set at a certain point in time.

Agree with this comment. ICMM says>NNL relative to a 2020 baseline for existing ops and Net gain for new ops and significant expansions (so from a particular point forward in time).

This requirement also assumes that community conserved areas have been mapped out already. What happens when this information doesn't exist?

Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 1

COMMENT:

The word "strategy" is often used whereas a "strategic roadmap" would more than adequately fulfill the requirements. Our advice is to replace the term "strategy" throughout with "strategic roadmap".

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 2

COMMENT:

Engagement with customers should be optional as the level of control is significantly lower than it is for suppliers.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 3

COMMENT:

The listed requirements are typically contained in a “strategic roadmap”. The word strategy should be avoided. Provide boundaries for offsets to prevent key issues associated with offsets

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SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 4

COMMENT:

We are moving into a space where climate roadmaps may be considered proprietary information as the race towards net zero is becoming a competitive one. This condition should be removed in order not to fall foul of anti-trust and competition legislation.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Leading Practice, 6

COMMENT:

The standard should be clear what is meant within the context of net zero. Within the ICMM context net zero only applies to scope 1&2. Net zero should be clearly defined as to which scopes it covers.

SECTION: 20.2. Climate Change Management (Facility Level), Leading Practice, 4

COMMENT:

Additional consideration needs to be applied whether all conditions apply at a facility level. Especially condition (c) would be more applicable to groups of facilities or a corporate structure.

SECTION: 20.2. Climate Change Management (Facility Level), Towards Good Practice, 1

COMMENT:

The assumption is made that a pragmatic approach will be followed where corporate plans and roadmaps include actions that will be taken at a facility level.

SECTION: 20.3 Annual Climate Change Public Reporting, Good Practice, 1

COMMENT:

Since IFRIS S2 replaced and encompasses TCFD, the term TCFD should not be used.

SECTION: 20.3 Annual Climate Change Public Reporting, Leading Practice, 1

COMMENT:

The carbon content and carbon intensity are different things - suggest that we are more specific here.

SECTION: 20.3 Annual Climate Change Public Reporting, Leading Practice, 2

COMMENT:

By separating scope 3 out - it might create confusion as TCFD is the base of IFRS S2 which requires scope 3 reporting...thus TCFD disclosure needs to be either in full under good practice or in full under leading practice

Performance Area 22: Pollution Prevention

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Good Practice

COMMENT:

If material? The standard reference GRI standards on some of the performance areas and for others not. Perhaps for all the public disclosure elements the required GRI standard should be mentioned as what is required for public disclosure.

SECTION: 22.2 Mineral Wastes, Good Practice, 3

COMMENT:

Where possible, rehabilitate. Sometimes, revegetation of mineral waste stockpiles whilst still in use can cause stability issues. The decision to rehabilitate should be based on a stability assessment being completed and posing no stability risks.

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

Normally the authorities consider a risk-based approach for setting emission limits as part of permits. Is it the intention to duplicate this whole process?

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

Or in line with GRI?

SECTION: 22.4 Mercury, Towards Good Practice, 1

COMMENT:

Guidance is needed for when gold is confiscated from illegal activities and then processed via own processes that might contain mercury. How would that be treated?

SECTION: 22.5 Cyanide, Towards Good Practice, 2

COMMENT:

What happens in a case where a site is not ICMC certified for the reason that the plant is close to end of life or will be decommissioned in the future short term?

SECTION: 22.6 Accidental Polluting Releases, Good Practice, 3

COMMENT:

Should be in consultation with subject matter experts not affected stakeholders in my opinion. Some remediation projects are very technical and not having the expertise may delay remediation efforts more than usual.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 2

COMMENT:

Is the purpose of the word "Identify" to only "investigate" or is it implying one should implement the opportunities? Implementation of the opportunities may not always be possible (economically, technically feasible).

SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 3

COMMENT:

The word "identify" used throughout, and the intent behind its use should be clarified.

To merely "identify" and "investigate" / "consider"?

Or is the intent to actually "implement".

SECTION: 23.1 Circular Economy for all Facilities, Leading Practice, 3

COMMENT:

When considering all the aspects (such as location of the facility etc.), it may be possible to identify opportunities to reduce and eliminate some waste streams.

However, it may not be possible for Tailings. This would mean that where such opportunities are not available for tailings, the facility will be penalized.

COMMENT:

This whole section 23.2, from good practice to leading practice, is compiled around the concept of smelters considering in obtaining scrap material for reprocessing.

While it bolsters the circularity of a facility / company, for many companies or individual facilities this would be considered a whole new business stream. It may not prove to have a strong business case based on current commodity climate, existing recycling market or company focus / direction.

May further prove to not be financially feasible or economically viable. In such cases, the company /facility will be penalised against this requirement.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 7

COMMENT:

This should form part of the update to the closure plan from time to time anyway

SECTION: 24.1 Closure Management, Leading Practice, 1

COMMENT:

Commercial sensitivities can reveal proprietary information, and it can also lead to misinterpretation or unrealistic expectations; it will also heighten legal and liability litigation risks. Complexities to these methodologies as it involves multiple variables. Rather it needs to be the methodology principles disclosure instead of revealing sensitive information

SECTION: 24.1 Closure Management, Leading Practice, 2

COMMENT:

What concerns me here is that some facilities have extremely long Life of Mines, and planning for post-operational social transition for 20 years into the future may not always be possible or accurate.

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations for responsible production practices?

Response: 3: Meets expectations

QUESTION 2

Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?

Response: 4: Exceeds expectations

QUESTION 3

From your perspective, does the three-level performance structure (Towards Good Practice, Good Practice, Leading Practice) of the consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of good practice and effective path to continuous improvement?

Response: 3: Meets expectations

Document:
Claims

3. Claims

SECTION: 3.1 Types of Claims, 3.1.2 Assured Claim

COMMENT:

Fees are paid in full. The fee module needs to be made publicly before the claims policy is set so that this requirement is well understood.

COMMENT:

The reference to the "previously called foundation phase" will have to be removed as that talks to the very first draft available.

· Figure 1 in the assurance document should be reference when statements such as "medium-term" is made. Clarity is needed to whether the CMS will update the final assurance report once the medium-term corrective actions have been made.

SECTION: 3.1 Types of Claims, 3.1.3 Performance Claim

COMMENT:

Fluctuation of performance needs to be considered as some facilities might embark on a new project or close a facility etc which can impact performance. This dynamic has to be considered.

·Also, the word “actionable” should be considered for closing of gaps as some gaps might potentially be of such a nature that it can only be met with a plan (think about the lessons learnt with GISTM).

COMMENT:

The consequences of non-compliance should also be stipulated

QUESTION 1

Does the level of transparency provided by the Claims Policy (i.e. through disclosing scores for each Performance Area, aggregated scores to indicate overall progress towards Good Practice, and Performance Claims) meet your expectations to incentivise continuous performance improvement?

Response: 3: Meets expectations