

APPEAL/REVIEW PROCESS

1.1 Purpose

The purpose of the review procedures is to ensure that the decisions taken and procedures followed by Implementing Bodies for individual applications are applied fairly and consistently. The review will provide an independent process through which an applicant will have the opportunity to demonstrate to the Review Panel that either the outcome was unreasonable or that the proper procedures were not followed. Appeals on any other grounds will not be considered.

1.2 Informing the applicant.

Following the decision to reject an application the applicant should be informed in writing stating the reasons for the decision. The applicant should also be informed of the following:

- the opportunity for a de-briefing as outlined below
- a copy of the review procedures
- the availability of detailed information on the scoring of the project.

At the de-briefing session the applicant alone should be afforded the opportunity to discuss either over the telephone or in a meeting the reasons for rejection with a member of staff from the Implementing Body. During this discussion the scoring and the basis for the decision taken should be communicated to the applicant.

At the de-briefing session the applicant should also be informed of the formal Review Process and advised that a decision will be reviewed only under the following criteria:-

- the outcome was a decision that no reasonable person would have made on the basis of the information provided to the Selection panel; and/or
- that there was a failure in adherence to procedures or systems that materially affected or could have materially affected the decision.

1.3 Review Procedure.

The applicant must submit a request for a review in writing within 28 days of the date of the letter of rejection, or 14 days after the debriefing discussion has been held, whichever is the later. The request must clearly demonstrate the grounds, as provided for in paragraph 1.2 above, upon which a review is being requested.

Upon receipt of a written request for a review the Implementing Body should convene the Review Panel, which is independent from the Selection Panel. The Review Panel will comprise 3 people, none of whom were involved in the original selection process, and shall include at least one representative external to the Implementing Body. The Chairperson shall be of senior management level, at least equal to that of the Chair of the Selection Panel. The Review Panel will receive all the documentation considered by the Selection Panel, including signed documentation relating to all stages of the selection process including the record of the reasons for the selection decision and a copy of the written request for the review.

The Review Panel will consider whether the applicant has demonstrated sufficient grounds for the review to be upheld. No additional project information from that supplied for the original selection should be considered during the review procedures. The Review Panel will inform the applicant in writing of its decision on whether it has recommended to the Implementing Body to uphold the original decision or asked for it to be reconsidered.

1.4 Review outcome.

Having considered the Review Panel's recommendations at a senior management level, the Implementing Body may:-

- confirm its decision; or
- amend or alter its decision in any respect; or
- revoke its decision in its entirety and substitute a new decision.

In coming to its decision on the recommendations, the Implementing Body shall have regard to the Review Panel's findings and recommendations but is not bound to follow all or part of these. However, the Implementing Body will accept the recommendations of the Review Panel unless there are over-riding legal or other relevant and defensible considerations. The Implementing Body should not substitute an acceptance decision for a rejection unless the Review Panel has indicated grounds for doing so. These should be clearly stated in the documentation and communicated to the applicant.

Implementing Bodies shall ensure that funds are retained for allocation to successful review cases. This could be achieved by selecting reserve projects which will not be given confirmation of funding until all review cases have been heard. At the same time as they are informed of their reserve status, such projects should also be advised that they have a right of appeal as there is no guarantee that funding will become available as a result of the review process itself.

If requested, Implementing Bodies must provide the Programme Managing Authority with a list of applicants who request a review and of the outcome.

The review must be completed within 8 weeks of the receipt of the request for a review unless it is impractical to do so.

The membership of the review panel must be communicated to the applicant following receipt of the request for a review.

EUROPEAN DIVISION

October 2007