Appeals Procedure for Unsuccessful Applications

Glossary

Assessment Panel – the Assessment Panel makes the initial recommendations regarding an application including: the check for eligibility and assessment against the criteria.

Independent Regional Panel - (Regional Panel) - a panel made of independent representatives from the Early Years Sector. This panel is responsible for making all final decisions i.e. whether an application is eligible or not, whether the application meets the quality threshold or not, scoring against the assessment criteria and funding allocations.

Appeals Panel – The Appeals Panel is made up of representatives of the Early Years sector. The members do not take part in any part of the assessment process up to this point. Their sole duty is to consider and make decisions on funding appeals.

Appeals Team – The Appeals Team are Early Years staff who will provide administrative backup to the appeals process. They take no part in decision making regarding appeals.

1.0  Introduction

1.1  This procedure sets out the process for an appeal against a funding decision that will be implemented in the event that an applicant wishes to appeal the decision of the Regional Panel.

1.2  The procedure will be administered by an Appeals Panel which will be constituted independently of the Assessment or Regional Panel. This procedure is open to all applicants who are unsuccessful due to:

• deemed ineligible i.e. do not meet all eligibility criteria or are deemed financially ineligible
• Are rejected for any other reason eg return an incomplete or late application;
• do not meet the quality threshold

1.3  The quality threshold for both streams is as follows:

Stream A  55/160
Stream B  40/120
1.4 Applications that are valid (eg not ruled out because they are ineligible) and that are deemed eligible move to a scoring assessment against the assessment criteria. Applications that score below the quality threshold above are deemed unsuccessful. Applications that score above the quality threshold are deemed successful, however are subject to funding being available. Please note that being deemed successful is not a guarantee that the project will be funded. All successful projects are placed in rank order and funding is distributed in scoring order until all funding is exhausted. There is no right to appeal for any applicant who meets the quality threshold but does not score highly enough for funding. Applicants who meet this threshold are deemed successful and cannot use the Appeals Procedure.

1.5 The purpose of the Appeals Procedure is to ensure that the decisions taken, and procedures followed by the Regional Panel for individual applications are fairly and consistently applied. This procedure is intended to provide an independent process, through which an applicant will have the opportunity to seek a review of the decision of the Regional Panel who have responsibility for the application process on one or both of the following grounds, namely that:

- The outcome was a decision that no reasonable person would have made on the basis of the information provided to the Assessment and/or Regional Panels; and/or

- That there was a failure in adherence to procedures or systems that materially affected or could have materially affected the decision.

1.6 Appeals on any other grounds will not be considered.

2.0 The Appeals Procedure

2.1 Following the decision to reject an application, the applicant will be officially notified by The Pathway Team in writing, outlining the reason(s) for the decision.

2.2 The applicant will also be provided with:

- the detailed information on why the application was not successful or rejected

  the detailed information on the scoring of the project (if the project was scored);

- an opportunity for a de-briefing as outlined in point 2.3 below;

- a copy of the Appeals Procedure for Unsuccessful Applicants.
2.3 A de-briefing meeting will be offered by the Pathway Team. If accepted, this meeting should take place within 5 working days following receipt of a notification of outcome letter, pending both party's availability. The meeting can be conducted either over the telephone, online or in a face to face meeting with the applicant alone. At the de-briefing meeting, the applicant will be informed of and afforded the opportunity to discuss the basis of the scoring of their application and the Regional Panel's decision including the reasons for rejection of their application.

2.4 At the conclusion of the de-briefing meeting the applicant will be informed of their right to request an appeal of the Regional Panel's decision and will be provided with a copy of this Appeals Procedure for Unsuccessful Applicants.

2.5 An appeal **can only be** submitted to the Appeals Team following a de-briefing by a member of staff from the Pathway Fund Team. The Appeals Panel is wholly independent of the Pathway Fund Team.

2.6 Where an application for an appeal is submitted, the Appeals Team will manage the Appeals process in order to ensure that appeals are carried out in a timely and efficient manner and in accordance with this procedure.

2.7 Requests for appeals must be submitted using the Appeals Request Template which can be accessed via [pathwayappealsteam@early-years.org](mailto:pathwayappealsteam@early-years.org)

2.8 The completed template must be returned **no later than 5 working days** after the date of the de-briefing meeting. Applicants are required to email the completed template (in Word format) to: [pathwayappealsteam@early-years.org](mailto:pathwayappealsteam@early-years.org)

2.9 The Appeals Team will **only** consider the information that was available during the assessment process i.e. the information in the application form or any additional information provided at The Pathway Fund’s request. No other additional/new information that was not part of the original application will be considered. The only exception to this will be the right of the panel to seek additional information to allow it to make a decision.

2.10 If, in the reasonable opinion of the Appeals Team, an appeal template application contains new information, such new information shall be redacted from the appeals submission and will not be included or considered by the Appeals Panel.

2.11 The Appeals Team will act as secretariat to the Appeals Panel and will provide advice and guidance as required. The Appeals Panel may seek independent legal or other professional advice if required.

2.12 The Appeal will be completed within **4 weeks** of receipt of the request for an appeal, unless it is not practicable to do so, in which case the applicant will be informed by Appeals Team at the earliest opportunity of the expected date of completion of the review.
2.13 Any decision of the Appeals Panel will be binding on the applicant and the Regional Panel and shall not be subject to any further review or appeal within the Programme.

3.0 Conducting the Appeal

3.1 The process detailed below applies to unsuccessful applicants ie applicants rejected because they were deemed ineligible, they were deemed to be financially ineligible, they were deemed to be below the quality threshold or their application was rejected for any other reason (eg the application was deemed late or deemed incomplete.

3.2 Only written evidence provided within the Appeal Request Template will be considered by the Appeal Panel.

3.3 On receipt, the Appeal Team will review the completed template to check for and redact any new/additional information.

3.4 Following review and acceptance, the Appeal Team will then forward the template to the Pathway Team who will be required to complete their response sections, within 10 working days. The completed template will then be included within the Appeal Panel pack.

3.5 Neither the applicant nor the Pathway Team will be invited to attend the Appeal Panel meeting, nor will they have an opportunity to orally present their case to the Appeal Panel.

3.6 The Appeal Panel will receive all documentation at least 5 working days in advance of the meeting. This will include signed documentation relating to all stages of the selection process and the record of the reasons for the Regional Panel’s decision. The Appeal Panel will also receive a copy of the completed Appeal Request Template.

3.7 In reaching its determination the Appeal Panel will only consider the information that was available during the assessment process i.e. the information in the application form or additional information requested by the Pathway Team. The only exception to this will be the right of the Appeal Panel to seek additional information to allow it to make its decision.

3.8 The Appeal Panel will have the authority to make one of the following decisions;

A Uphold the decision of the Regional Panel to reject the application;

B Revise the decision of the Regional Panel and rescore the application. (Please note that rescoring the application does not guarantee that the project will receive funding see point 1.4 above)
C Defer their decision based on the need for further information.

3.9 The Appeal Panel will reach a consensus determination. In the absence of a consensus determination, the Chair will make a final decision based on the options above.

3.10 The Appeal Panel will convey its decision to the applicant in writing **within 5 working days** of its meeting. The written notification will include rationale for the decision. If option C is initiated, the Appeal Panel will write to the applicant indicating what further information is required, a timeframe for provision of such information and an anticipated date for final resolution which will be subject to the timely provision of the further information sought.

3.11 If an applicant is successful in their appeal application, the progress of their application will not be prejudiced as result of the additional time taken to complete the review process.

- The Appeal Panel will re-score the application and award a new score for the applicant

or

- the panel will score the application for the first time if the appeal overturned a decision that the application was ineligible or rejected for any other reason

3.12 If an appeal is unsuccessful, the decision is final, there are no further routes of escalation.

4.0 Other Information

4.1 The Pathway Fund Team shall ensure that sufficient funds have been retained from the Programme budget for allocation to those projects which have a successful outcome to their appeal.