

Staffordshire ‘Communities Mean Business’ LEADER Programme

Appeals Procedure

Staffordshire County Council, as Accountable Body to the Staffordshire LEADER programme has a duty to ensure that the programme has in place a transparent, impartial and fair appeals process.

When dealing with public funding there must be an assumption that where a decision has been taken to withhold support, the reasons should be communicated in full to the potential applicant. This is consistent with the principles governing schemes which are covered by the Freedom of Information Act.

The basic principle of an appeals process is to ensure any decisions are considered by the next tier of programme management to ensure the principles of any review being independent of the original decision.

In the Staffordshire LEADER programme there are three stages which are likely to give rise to an appeal against a decision:

- Rejected at Expression of Interest (EOI) stage or Full Application (FA)
- Rejection of an application for funding by the Staffordshire Local Action Group
- Withholding/Claw back of payment or from irregularities against approved projects

RDP rules require potential projects to deliver against a number of programme requirements and EOI's and Full Applications can be rejected on the basis of:

- Location – if benefits are not delivered within the LAG area
- Ineligible activity
- State aids
- Poor value for money, not delivering the required outputs
- Level of grant requested compared to project cost
- Poor strategic fit with LDS
- Considered to be undeliverable with the programme timescale
- Insufficient programme funds
- Or other non-compliance reasons



Applicants should be provided with an explanation of the application decision in writing and can submit an appeal within 10 working days of receiving the decision, outlining their reasons why the decision is incorrect.

The appeal letter is to be submitted to:

Mr Ian Jackson

Staffordshire LEADER Programme Manager
No.1 Staffordshire Place,
Tipping Street,
Stafford,
ST16 2DH

Appeals will be considered only where the appellant has evidence that Accountable Body Staff / LAG Officers / LAG members have:

- Not followed due process;
- Not considered (or misinterpreted) all the information made available in the applicants submission;
- Acted in some way to disadvantage the applicant/application;
- Not declared a personal or prejudicial interest and have taken part in the decision making process.

If an appeal occurs, the Accountable Body will request that the Appeals Panel is convened to consider the written appeal and to provide accountability of the LAG and its process, within 21 days of its submission. The appellant is not required to attend the appeals panel; all communications will be formally in writing or email. If the Appeals Panel is unable to meet the appeal can be considered by written procedure.

The Appeals Panel will consist of:

- A member of the LAG who was not involved in the decision making process;
- Staffordshire County Council's Place Funding Manager (or delegated Officer) from the Accountable Body;
- Senior Finance Manager (or delegated Officer) from the Accountable Body;
- LEADER Programme Manager (non-voting);

To be quorate, the Appeals Panel requires all three voting members attend.

Projects submitted for appeal will be considered in a fair, impartial and democratic manner.

Approved Projects

The decision of the Appeals Panel will be communicated in writing within 7 working days. There may be instances in relation to approved projects where either through underperformance, audit irregularity or failure in any way to deliver the approved project, that a decision is made to seek claw back or refuse payment of monies. In these circumstances the appeal will be dealt with through RPA processes.



Complaints

There is a distinction between an appeal against a decision and a complaint which is more likely to be about the way in which a case has been handled.

In relation to complaints about project handling, these should be considered by Staffordshire County Council's Place Funding Manager. Complaints against individuals involved in the process will be handled in line with the appropriate bodies' procedures governing staff behaviour and responsibilities.

Third Party Complaints

There may be instances where a complaint is made from a third party about a decision to support another applicant (either nearby or similar activity).

In these instances care should be taken to ensure we act in accordance with the Data Protection Act and that there is no passing of commercially sensitive information or project details to the third party.

The complaint should be considered in the first instance by Staffordshire County Council's Place Funding Manager. Depending on the scale and nature of the complaint this could be further considered.

Appeal decisions and complaint findings are final.

