

## **Review Procedure for Unsuccessful Applications**

### **1.0 Introduction**

This procedure sets out the process for Project Review that will be implemented in the event that an applicant wishes to appeal the decision of the Steering Committee. The applicant must always be the Lead Partner.

- 1.1 The procedure will be administered by a Review Panel which will be constituted independently of the Steering Committees.
- 1.2 The purpose of the Review Procedure is to ensure that the decisions taken and procedures followed by Steering Committee for individual applications are applied fairly and consistently. 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 Steering Committee at Stage 1 and/or Stage 2 of 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 Steering Committee; **and/or**
  - That there was a failure in adherence to procedures or systems that materially affected or could have materially affected the decision.

Appeals on any other grounds will not be considered.

### **2.0 The Review Procedure**

- 2.1 Following the decision to reject an application, the applicant will be officially notified by SEUPB's Joint Secretariat (JS) in writing, outlining the Steering Committee's reason(s) for the decision.

2.2 The applicant will also be provided with:

- the detailed information on the scoring of the project;
- an opportunity for a de-briefing as outlined in point 2.3 below;
- a copy of the Review Procedure for Unsuccessful Applicants.

2.3 A de-briefing meeting will be offered by JS. If accepted, this meeting will take place within 20 working days following receipt of a rejection letter. The meeting can be conducted either over the telephone 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 Steering Committee'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 a review of the Steering Committee's decision and will be provided with a copy of this Review Procedure for Unsuccessful Applicants.

2.5 A review **can only be** submitted to the Managing Authority ("MA") following a de-briefing by a member of staff from JS.

2.6 Where an application for a review is submitted the MA will manage the Review Process in order to ensure that reviews are carried out in a timely and efficient manner and in accordance with this procedure.

2.7 Formal requests for reviews **must be** submitted using the Review Request Template which can be accessed via <https://www.seupb.eu/piv-funding-calls>

2.8 The completed template must be returned **no later than 15 working days** after the date of the de-briefing meeting. Applicants are required to email the completed template (in Word format) to: **reviews@seupb.eu**

2.9 The MA will **only** consider the information that was available during the assessment process i.e. the information in the application form. No other additional/new information that was not part of the original application will be considered.

- 2.10 If, in the reasonable opinion of the MA, a review application contains new information, such new information shall be redacted from the review submission and will not be included or considered by the Review Panel.
- 2.11 The MA will convene the Review Panel, which is independent from the Steering Committee and which will be made up of members of the Monitoring Committee as follows:
- The INTERREG Review Panel will comprise of five members, none of whom were involved in the original selection process; the Chair of the Monitoring Committee, three other Monitoring Committee members and one independent representative.
  - The PEACE Review Panel will comprise of four members, none of whom were involved in the original selection process; the Chair of the Monitoring Committee, two other Monitoring Committee members and one independent representative.
- 2.12 The MA will act as secretariat to the Review Panel and will provide advice and guidance as required. The Review Panel may seek independent legal or other professional advice if required.
- 2.13 The Review will be completed within eight weeks of receipt of the request for a review, unless it is not practicable to do so, in which case the applicant will be informed by the MA at the earliest opportunity of the expected date of completion of the review.
- 2.14 Any decision of the Review Panel will be binding on the applicant and the Steering Committee and shall not be subject to any further Review or appeal within the Programme.

### **3.0 Conducting the Review – Stage One rejection**

- 3.1 The process detailed below applies to projects rejected at Stage One of the application process. Those projects that have been rejected at Stage Two will be reviewed through the process outlined in Section 4.0.
- 3.2 At Stage One review, **only** written evidence provided within the Review Request Template will be considered by the Review Panel.

- 3.3 On receipt, MA will review the completed template to check for, and redact any new/additional information.
- 3.4 Following review and acceptance, MA will then forward the template to the JS who will be required to complete their response sections, **within 10 working days**. The completed template will then be included within the Review Panel Pack.
- 3.5 Neither the applicant nor the JS will be invited to attend the Review Panel meeting, nor will they have an opportunity to orally present their case to the Review Panel.
- 3.6 The Review Panel will receive all documentation **at least 10 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 Steering Committee decision. The Review Panel will also receive a copy of the completed Review Request Template.
- 3.7 In reaching its determination the Review Panel will **only** consider the information that was available during the assessment process i.e. the information in the application form. No other additional or new information that was not part of the original application will be considered.
- 3.8 The Review Panel will have the authority to make one of the following decisions;
- A Uphold the decision of the Steering Committee to reject the application;
  - B Overturn the decision of the Steering Committee and approve the application to Stage Two;
  - C Defer their decision based on the need for further information.
- 3.9 The Review Panel will reach a consensus determination. In the absence of a consensus determination, (amongst the Committee Members and Independent), the Chair will make a final decision based on the options above.
- 3.10 The Review Panel will convey its decision to the applicant in writing **within 10 working days** of its meeting. The written notification will include rationale for the decision. If option C is initiated, the Review 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 review application, the progress of their application to Stage Two will not be prejudiced as result of the additional time taken to complete the review process.

#### **4.0 Conducting the Review – Stage Two rejection**

- 4.1 The process detailed below applies to projects rejected at Stage Two of the application process. In circumstances where a one stage call has been approved and an applicant requests a review, the Stage Two review process will apply.
- 4.2 At Stage Two review, the applicant will also be required to complete the Review Request Template in line with the timeframe stated in section 2.8.
- 4.3 On receipt, MA will review the completed template. If any new evidence is identified within the submission, MA will write to the applicant denoting the inadmissible evidence.
- 4.4 Following review and acceptance, MA will then forward the template to the JS who will be required to complete their response sections, **within 10 working days**. The completed template will then be included within the Review Panel Pack.
- 4.5 The Review Panel will receive all documentation **at least 10 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 Steering Committee decision. The Review Panel will also receive a copy of the completed Review Request Template.
- 4.6 At Stage Two review, the applicant and the JS will have the right to attend the Review Panel meeting. No legal representation or other advisers external to the applicant's organisation are permitted to attend the meeting.
- 4.7 The Review Panel can proceed even if either the applicant, the JS, or both are absent.

- 4.8 At the meeting, the applicant will present their case for review to the Panel. If the applicant requires the use of electronic presentation software, this should be submitted to the MA **no later than three working days** before the date of the meeting.
- 4.9 The presentation should last no longer than 10 minutes; and should be consistent with the submitted Review Request Template.
- 4.10 The JS will have up to 10 minutes to respond to any such presentation.
- 4.11 The Review Panel may ask questions to either party for further clarification.
- 4.12 The applicant and the JS will then withdraw from the room and the Panel will discuss and reach a consensus determination.
- 4.13 At Stage Two, the Review Panel will have the authority to make one of the following decisions:
- A Uphold the decision of the Steering Committee to reject the application;
  - B Overturn the decision of the Steering Committee and approve the application for funding;
  - C Defer their decision based on the need for further information;
- 4.14 The Review Panel will reach a consensus determination. In the absence of a consensus determination, (amongst the Committee Members and Independent), the Chair will make a final decision based on the options above.
- 4.15 The Review Panel will convey its decision to the applicant in writing **within 10 working days** of its meeting. The written notification will include rationale for the decision. If option C is initiated, the Review 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.

## **5.0 Other Information**

- 5.1 The SEUPB shall ensure that sufficient funds have been retained from the Programme budget for allocation to those projects which have a successful outcome to their review.