

## 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.

- 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. The Review will provide an independent process through which an applicant will have the opportunity to demonstrate to the Review Panel:
  - 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 Steering Committee will justify the decision and the applicant will be officially notified by SEUPB's Joint Secretariat (JS) in writing stating the reasons 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 Procedures.

2.3 It is expected that a de-briefing meeting will be conducted by JS no later than 28 days following receipt of a rejection letter. The meeting will be conducted either over the telephone or in a face to face meeting with the applicant alone. At this meeting, the applicant will be afforded the opportunity to discuss the reasons for rejection; the scoring and the basis for the decision taken will be clearly communicated to the applicant.

2.4 At the de-briefing meeting the applicant will also be informed of the formal Review Procedure and advised that a decision will **only** be reviewed under the following circumstances:

- 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.

2.5 A review can only be requested by the applicant following a de-briefing by a member of staff from JS. Any request for a review should be made in writing **no later than 14 days**

after the de-briefing meeting has been held. The request must clearly demonstrate the grounds upon which a review is being requested – as outlined in paragraph 2.4.

- 2.6 The SEUPB Managing Authority (MA) will manage the Review Process in order to ensure that reviews are carried out in a timely and efficient manner.
- 2.7 The MA will convene the Review Panel, which is independent from the Steering Committee. 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.
- 2.8 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.
- 2.9 The Review must be completed within eight weeks of receipt of the request for a review, unless it is not practical to do so, in which case the applicant will be informed of the earliest possible date of the review by JS.
- 2.10 The 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 the Stage One review, **only** written evidence will be considered by the Review Panel. The applicant will detail the basis for their request for a review based on the two grounds outlined in paragraph 2.4. Upon receipt of a written request for a review, the MA will invite the JS to make a written submission.
- 3.3 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 for review.
- 3.4 The Review Panel will receive all the documentation considered by the Steering Committee **at least 10 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 written request for the review and any submission from the JS.
- 3.5 In reaching its determination the review panel will **only** consider the information that was available to the assessment process i.e. the information in the application form. No other additional or new information that was not part of the application form will be considered.
- 3.6 The Review Panel will convey its decision to the applicant in writing within 14 days of its meeting. The minutes of the Review Panel will then be placed onto the SEUPB website. If an applicant is successful in their review, their application to Stage Two will not be disadvantaged as result of the time taken to complete the review.

#### 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.
- 4.2 Upon receipt of a written request for a review, the MA will convene the Review Panel as outlined in Paragraph 2.7 above. The request for a review should detail the grounds of the review based on paragraph 2.4.
- 4.3 The Review Panel will receive all the documentation considered by the Steering Committee **at least 10 days** in advance of the meeting. This will include signed documentation relating to all stages of the selection process, the record of the reasons for the Steering Committee decision and a copy of the written request for the review.
- 4.3 At the Stage Two review, the applicant and the JS will have the right to attend the Review Panel meeting, but not to be represented by lawyers or other advisers external to the applicant's organisation. The Review Panel can proceed even if either the applicant, the JS, or both are absent.
- 4.4 The applicant may present their case for review to the Panel. The presentation should last no longer than ten minutes; and should be consistent with the written submission in paragraph 4.2. The JS will have a right to respond to any such presentation. The Review Panel may ask questions of clarification of any participant.
- 4.5 The applicant and the JS will then withdraw from the room and the Panel will discuss and reach a consensus determination.
- 4.6 The Review Panel will convey its decision to the applicant in writing within 14 days of its meeting. The minutes of the Review Panel will then be placed onto the SEUPB website.

## **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.