



2018

Appeal Guidelines Ability Programme



1. INTRODUCTION

Pobal and the Ability Programme has an appeal procedure for applicants or grant holders who feel that decisions taken and procedures followed by Pobal in relation to its administration of funding have not been applied fairly or consistently.

2. WHAT DECISIONS CAN YOU APPEAL?

Decisions in relation to the following may be appealed:

- Not to award a grant.
- The eligibility of an application for funding.

This policy does not apply to decisions relating to the following:

- a) Applications that have been deemed administratively ineligible i.e. late applications or where the application is ineligible due to un-submitted documentation;
- b) funding levels, or award conditions on applications that have been approved for funding;
- c) funding decisions not based on a recommendation from Pobal ;
- d) any decision made under Sections 6 and 8 of these guidelines.

Definitions

Appeal – a request in writing to reconsider the decision on your application for funding.

Appeals Co-ordinator - the person whose role it is to ensure the appeals procedure and process are carried out in accordance with the appeals procedure.

Applicant - the organisation or group who made the original application or request for funding.

Application – the application form and the supporting documentation submitted with the application form.

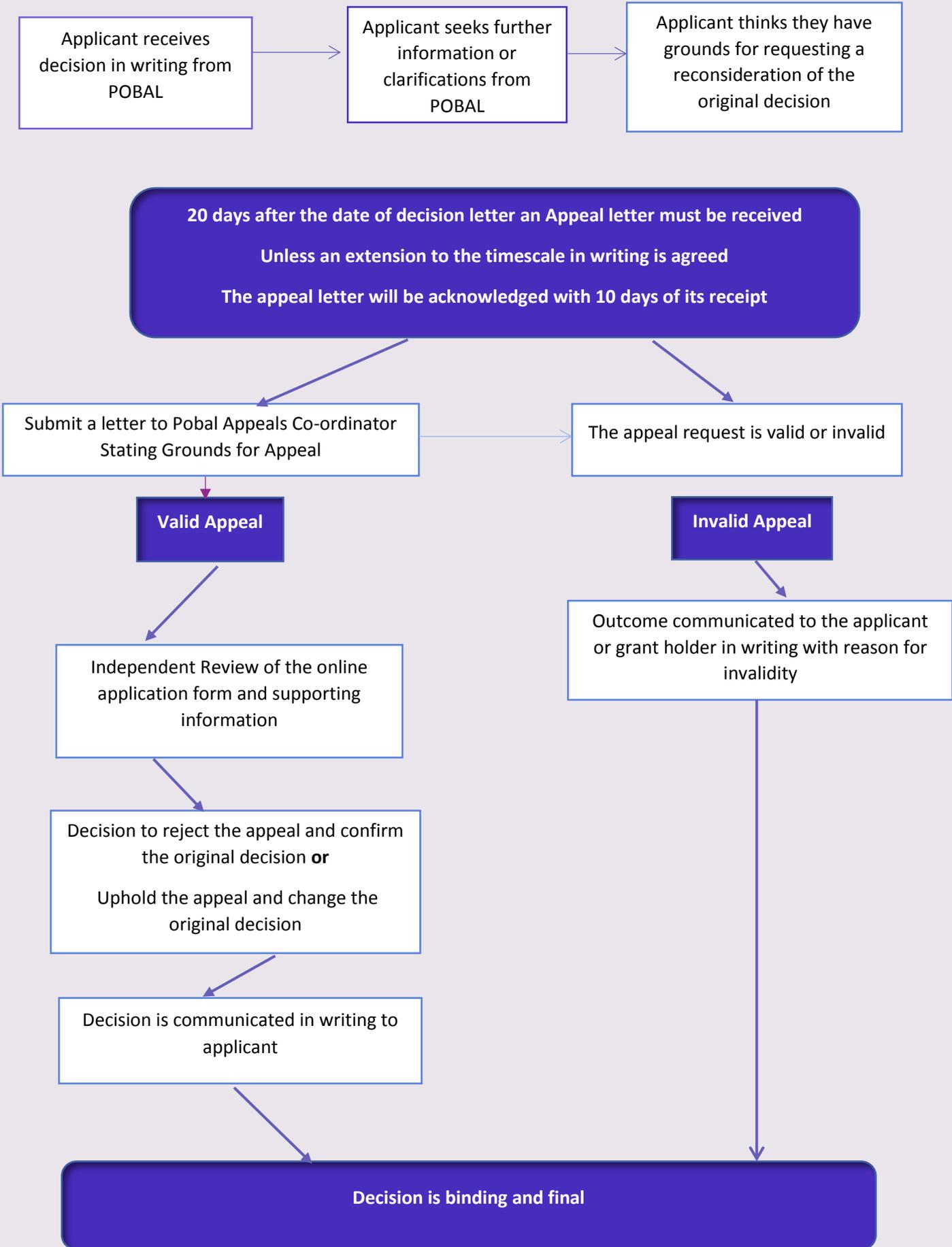
Assigned Officer – is a member of Pobal staff assigned to provide feedback and discuss the outcome of your application for funding.

Days – will mean working dates, excluding, Saturdays, Sundays and Bank Holidays.

Department – refers to the Department of Employment Affairs and Social Protection.

Review Officer – refers to a senior staff member assigned by Pobal to undertake an independent review. This member of staff will not have been involved in the original appraisal or decision making process.

APPEALS PROCESS



3. GROUNDS FOR APPEAL

Decisions can only be appealed on the following grounds:

- a. the outcome was unreasonable based on the information provided to Pobal
- b. the decision is inaccurate based on matter of facts
- c. the interpretation of the facts or information provided by the applicant are subjectively incorrect
- d. too much or too little weight given to the available evidence
- e. due consideration not given to the Applicant's viewpoint
- f. Proper procedures were not followed

4. TIMESCALE FOR APPEALS

The process can start *only* after the applicant has received formal notification advising of the outcome of the funding decision. The applicant should first discuss any concerns they have and seek further information or clarifications they may require from an assigned officer in Pobal.

Applicants who wish to appeal a decision will have 20 working days from the date of the decision letter to submit their appeal in writing, unless an extension to the timescale has been agreed in writing.

Any applicant wishing to initiate an appeal beyond the 20 day period must submit a written request stating reasons for an extension. ***This request for an extension can only be considered if it is received by Pobal prior to the appeal deadline.*** The decision to allow an extension beyond the 20 day period will be at the sole discretion of Pobal.

5. SUBMITTING AN APPEAL

A request for an Appeal must be made in writing to:

The Appeals Co-Ordinator, Pobal, Holbrook House, Holles Street, Dublin 2.

The Appeal letter must state clearly on which of the grounds the appeal is being made.

Each ground stated must be supported by evidence and a sufficient explanation given to justify each of the stated grounds for appeal, and to facilitate a thorough examination of the facts and circumstances of the case.

Additional information provided within or with an appeal letter that was not presented at the time of application, is not eligible for consideration, except where it was through no fault of the applicant that the new information provided was not available **or** could not possibly have been known to the applicant at the time of submitting their application.

The letter of Appeal must contain the organisations' **URN (Unique Reference Number) on the top of the notification letter** and must be signed by a member of the Board of Directors, preferably the Chairperson.

6. VALIDITY OF APPEAL

On receipt of the appeal it will be checked to ensure it is within the scope of this appeals procedure and that sufficient grounds for the appeal have been detailed. The appeal will normally be **acknowledged within 10 days** of its receipt.

Invalid appeals are rejected at this stage of the process. This will be communicated to you in writing by Pobal.

7. THE APPEAL REVIEW PROCESS

For all **valid appeals** an independent review of the original application, appraisal and decision will be undertaken, taking account of the information that was available at the time of the original decision and the evidence submitted with the Appeal.

One of the following recommendations will then be made, to either:-

- Reject the appeal and confirm the original decision
- Uphold the appeal and change the original decision

8. FINAL APPEAL DECISION

If it is determined that the original decision should be upheld this is communicated directly by Pobal to the Applicant. **This decision is binding and will not be subject to any further appeal under this process.**

If it is determined that the appeal be upheld and the original decision should change, a new recommendation will be presented to the Department of Employment Affairs and Social Protection who will make the final decision which will be communicated by Pobal. **This decision is binding and will not be subject to any further appeal under this process.**

9. TIMESCALE FOR THE PROCESS

We will endeavour to **complete the appeal review process** and inform the applicant within **8 weeks from receipt of the appeal**. Where any delay is anticipated we will inform the applicant in writing of the extended timescale expected.

Note: A decision in favour of an applicant does not necessarily result in funding.

Any funding awarded subsequent to a successful appeal will be dependent on the final score awarded, and as this is a competitive funding process, the ranking of the application against the overall funding available.