



Guidelines for an Appeal of a Decision

**Dormant Accounts Fund
2017/2018**



1. INTRODUCTION

Pobal and the Dormant Accounts Fund 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.

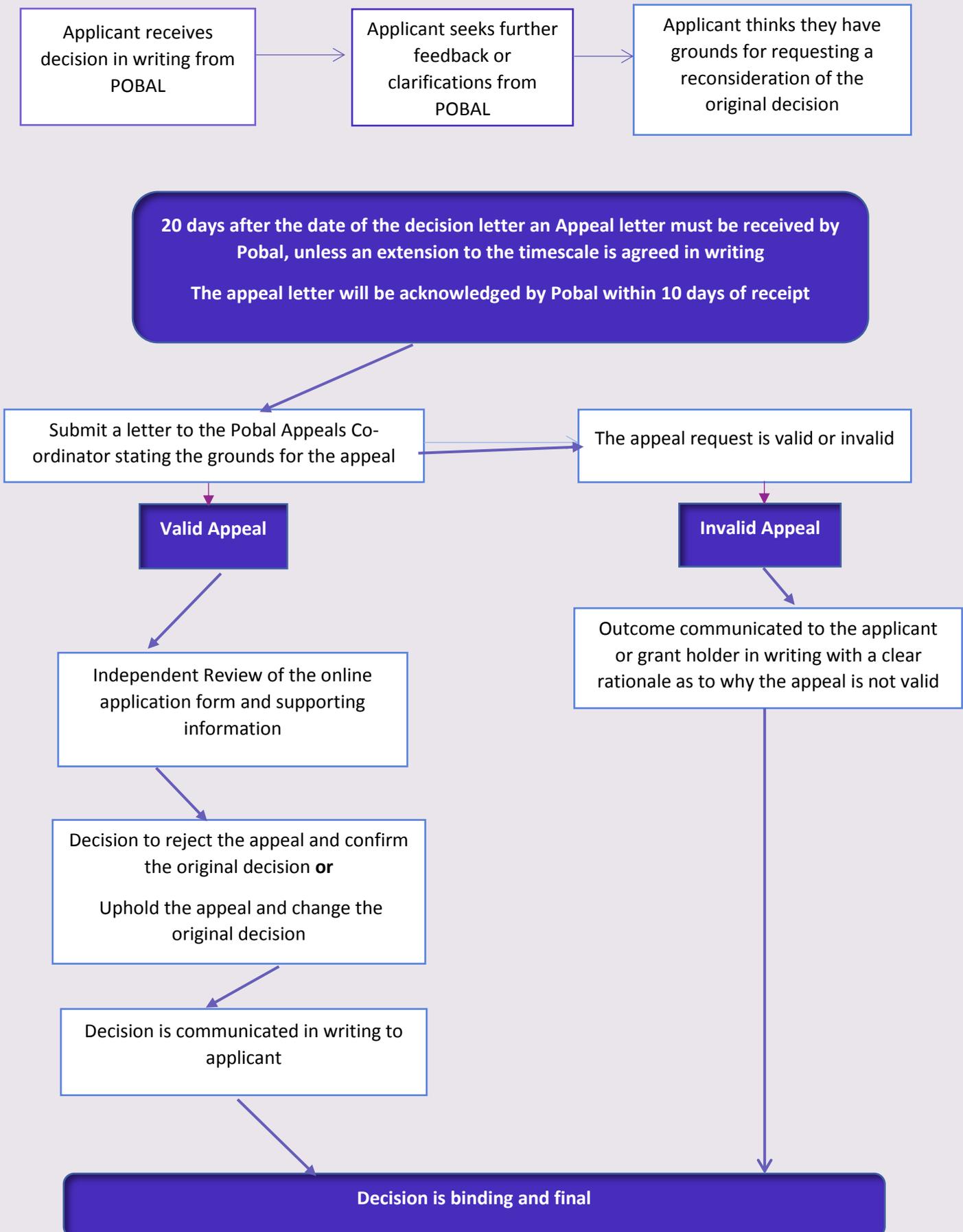
Assigned Officer – is a member of Pobal staff assigned to provide feedback and discuss the outcome of your application for funding.

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

Department – refers to the respective Department in respect of the Dormant Accounts Fund: Department of Rural and Community Development (*Measure 1*); Department of Employment Affairs and Social Protection (*Measure 2*); Department of Justice and Equality (*Measure 4*).

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 and/or seek further information or clarifications 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.

The decision to allow an extension beyond the 20 working days will be at the sole discretion of Pobal and only in exceptional circumstances. The request for an extension must be submitted in writing to Pobal prior to the appeal deadline i.e. within 20 working days – the request must state the reasons for the extension.

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 included in the appeal letter/documentation that was not presented at the time of the original application, is not eligible for consideration.

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

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

Pobal will present an outcome and/or full documentation on appeals, to the relevant Department who will make the final decision.

Measure 1: Department of Rural and Community Development;

Measure 2: Department of Employment Affairs and Social Protection;

Measure 4: Department of Justice and Equality.

The final decision from the Department will then be communicated to the organisation by Pobal. **This decision is binding and will not be subject to any further appeal under this process.**

Note: A decision in favour of an applicant does not guarantee an offer of 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 any available funding.

9. TIMESCALE FOR THE PROCESS

Pobal 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.