

APPEALS POLICIES AND PROCEDURES

1. This paper outlines the current procedure for dealing with appeals and confirms the policy that should apply in these cases.
2. The Foundation's application guidance notes state that: "Unsuccessful applicants may if they wish appeal to the Foundation against the decision". An appeal could be successful if based on one or more of the following grounds:
 - The Foundation failed to take account of information contained in the application;
 - The Foundation misunderstood or misinterpreted the contents of the application;
 - There was a procedural violation or unfairness in the way the advice given to the applicant or in which the application was assessed.
3. Applicants cannot expect to lodge a successful appeal solely on the grounds that they are disappointed by the decision, although some will of course appeal on this basis. Given this, it is important when rejecting applications to be clear about the reasons for rejection and to ensure that this is properly documented.

Procedures

4. Any letter that appears to be an appeal must be date stamped, logged and then immediately passed on to the Head of Office Management. If it is not clear that it is definitely an appeal it should be referred to the Head of Office Management. The Head of Office Management will refer any appeals to an independent adjudicator, who is not a member of the Foundation's staff and has no connection with Panel/Group members or Trustees. The Adjudicator will check to ensure that the correct procedures have been followed in the assessment and decision making process. If it appears that there may be grounds for an appeal the appeal process will then begin
5. The Head of Office Management will notify the appellant in writing to inform them that their case has been handed over to an independent adjudicator.
6. The Appellant is invited to set out in writing their grounds for appeal. Fresh information which was not available to the original project assessor may not be taken into account by the Adjudicator, though it can influence any action that he may recommend.
7. The Head of Office Management will examine the file; ensure that it is in date order and that it contains copies of all correspondence, hard copies of emails, and copies of internal reports as well as the project summary prepared for the Board and extracts of all minutes.
8. The file is then handed to the Adjudicator to read, in reverse order. The letter of rejection is then read, followed by the applicant's appeal statement. This is done with an open mind, in the way a new application would be examined by a project assessor. Clarification is sought, where necessary, from the applicant and from members of the Foundation's and FA's staff who have contributed to the assessment. The Adjudicator may visit the site if necessary. It may be necessary, in rare cases, for legal or other professional advice to be sought by the Adjudicator. This would be done with the prior knowledge of the Head of Office Management.
9. The Adjudicator then prepares a report on the case. The report would recommend whether the appeal should be allowed or disallowed. It is important that this report remains private and confidential and is seen, at least in the early stages, by management team and Trustees

only. On finishing the report the Adjudicator will draft a letter to the Appellant, informing them what his recommendation to the Football Foundation will be.

10. The report may also recommend a course of action to be taken vis a vis the project, and (if appropriate) may recommend changes to the Foundation's procedures or to the wording of publications.
11. Such a recommendation will not simply be a reversal of the Board's decision but may suggest what should happen to the application. This could include the reassessment of the scheme by a different project assessor. The appeal adjudication is therefore an evaluation of the way in which the assessment was carried out, to establish whether it was fairly and correctly conducted. It is not an alternative route to a decision, which still remains with the Board. These principles are essentially the same as those adopted by Sport England for lottery awards, and are similar to those of the other lottery distributors.
12. The confidential report should be considered in the first instance by the Chief Executive, who will decide on the next steps. The report, together with a commentary from the Chief Executive, should then be considered by a small group of Trustees (the Appeal Panel). The Chief Executive's commentary should state whether the Adjudicator's recommendation should be accepted. This could be done by correspondence, and action reported to the next Board and Panel/Group meeting.
13. The Head of Office Management will draft a letter to the Appellant to inform them of the Appeal Panel's decision on the appeal.

Time Frame

14. It is important that appeals are managed in a timely fashion, both to ensure that an appellant is dealt with fairly and to safeguard the reputation of the Foundation. The Head of Office Management will be responsible for ensuring that the following time frames are met in all cases:
 - Reply to the appellant within five working days of the FF date stamp on the letter. Ask them to confirm which of the three grounds they are appealing under explaining that they must respond within 28 days from the date of the letter otherwise we will assume they do not wish to proceed with the appeal
 - If there is no response from the appellant within the 28 day timescale write a follow up letter explaining that there will be no further action
 - If there is a response within the 28 days refer the case to an independent adjudicator within two weeks from receipt of the confirmation letter
 - Agree with the Independent adjudicator whether the appeal falls under a simple, medium or complex category. Simple appeals should take no more than one month to complete from the time it is referred, medium appeals should take no more than two months and complex appeals no more than three months.