

REVIEW PROCEDURES FOR PEACE III (2007-2013) PROGRAMME

1. Introduction.

- 1.1 The purpose of this paper is to provide the Monitoring Committee with details of the review procedure that will be implemented in the event that an applicant wishes to appeal the decision of the Steering Committees. The procedure will be administered by a Review Panel which will be constituted independently of the Steering Committees. It is intended that this paper will form the basis of a Guidance Note for Review Procedures for the PEACE III Programme.

2. Purpose

- 2.1 The purpose of the review procedures is to ensure that the decisions taken and procedures followed by Steering Committees 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 that **either:**
- the outcome was unreasonable **or**
 - that the proper procedures were not followed.

Appeals on any other ground will not be considered.

3. The Review Process

- 3.1 Following the decision to reject an application, the applicant will be informed in writing stating the reasons for the decision. The Steering

Committee will justify the decision and the applicant will be officially notified by SEUPB (Joint Technical Secretariat (JTS) or Border Action/Community Relations Council (BA/CRC) in Theme 1.2) in writing stating the reasons for the decision.

3.2 The applicant should also be informed of the following:

- the detailed information on the scoring of the project;
- the opportunity for a de-briefing as outlined in point 3.3 below;
and
- a copy of the review procedures.

3.3 At the de-briefing session the applicant alone should be afforded the opportunity to discuss, either over the telephone or in a meeting, the reasons for rejection with a member of staff from Joint Technical Secretariat/CRC/BA. During this discussion, the scoring and the basis for the decision taken should be communicated to the applicant.

3.4 At the de-briefing session the applicant should also be informed of the formal Review process and advised that a decision will be reviewed only under the following criteria:

- 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.

4. Conducting the Review

4.1 The applicant must submit a request for a review in writing **within 28 days** of the date of the letter of rejection (or **14 days** after the debriefing discussion has been held). The request must clearly

demonstrate the grounds upon which a review is being requested – as outlined in paragraph 3.4 above.

- 4.2** Upon receipt of a written request for a review SEUPB (Managing Authority) will convene the Review Panel which is independent from the Steering Committees.
- 4.3** The Review Panel will comprise of four members, the Chair of the Monitoring Committee, two other Monitoring Committee members and one independent representative, none of whom were involved in the original selection process. The Chairperson shall be the CEO of SEUPB.
- 4.4** The Review Panel will receive all the documentation considered by the Steering Committee at least 7 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.
- 4.5** The applicant has the right to attend the Review Panel meeting but not to be represented by lawyers or other advisers. The applicant may present the case for review to the Panel. The presentation will normally be for no more than ten minutes. The JTS/BA/CRC will have a right to respond to any such presentation. The Review Panel may ask questions of clarification of any participant. The applicant and JTS/BA/CRC will then withdraw from the room and the Panel will reach a decision. The Review Panel can proceed even if the applicant, the JTS/BA/CRC or any of the same is absent.
- 4.6** SEUPB (Managing Authority) will act as secretariat to the Review Panel and will provide advice and guidance if required. The Review Panel may seek independent legal or other professional advice if required.

- 4.7** The Review Panel will convey its decision to the applicant in writing within 7 days of its meeting. The minutes of the Review Panel will then be placed onto the SEUPB website.
- 4.8** 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.
- 4.9** SEUPB shall ensure that funds are retained for allocation to successful review cases. This could be achieved by selecting reserve projects, which will not be given confirmation of funding until all review cases have been heard. At the same time as they are informed of their reserve status, such projects should also be advised that they have a right of appeal as there is no guarantee that funding will become available as a result of the review process itself.
- 4.10** The review must be completed within eight weeks of receipt of the request for a review unless it is impracticable to do so.

5. Recommendation

5.1 The Monitoring Committee is requested to:

- **Approve** the review process described in the above paper for the PEACE III Programme.
- **Approve** the nomination of two Monitoring Committee members to the Review Panel who are not members of the Steering Committees.