

Performance & Resources Committee

Date of Meeting	Tuesday 2 May 2017
Paper Title	Consultation on Draft Appeals Procedure
Agenda Item	13
Paper Number	PRC6-J
Responsible Officer	Penny Davis, Board Secretary
Status	Disclosable
Action	For Discussion and Comment

1. Report Purpose

- 1.1** To allow for consideration of a draft appeals procedure, in an appropriate forum that includes college representatives, prior to presenting the draft procedure to the Board for approval.

2. Recommendations

- 2.1.** The Committee is invited to **consider** the **provide feedback** on the draft procedure.

3. Background

- 3.1.** The Financial Memorandum (item 12) refers to an appeals procedure being in place for appeals against funding decisions.
- 3.2** The Financial Memorandum between GCRB and the SFC was the model for the Financial Memodaundum, and the SFC has, on its website, an outline procedure for handling appeals. (The SFC procedure is included at Annex A for reference.) The SFC procedure is not appropriate for GCRB's purposes as it relates to their management structure.
- 3.2.** It should be the understanding and expectation of all parties that procedures leading up to funding decisions being made are sufficiently robust that there would rarely be grounds for appeal, but it is essential that provision is made for circumstances where there has been a failure to adhere to agreed principles and procedures.

4. Draft Procedure for Appeals Against GCRB Funding Decisions

Introduction

The GCRB aims to ensure that all funding decisions are fair, transparent, and underpinned by sound and consistently applied principles. In accordance with the Financial Memorandum between the GCRB and the Assigned Colleges, the following procedure applies to appeals by the Assigned Colleges against significant funding decisions made by GCRB.

Principles

The principles on which GCRB will make funding decisions are as follows.

- 1 There is an open and transparent consultation process involving the Assigned Colleges prior to funding proposals being considered by the GCRB or its Committees.
- 2 The bases of any funding proposals and decisions are made clear and available to the Assigned Colleges.
- 3 Funding proposals and decisions consider issues of institutional and regional sustainability and balance competing demands.
- 4 Funding proposals and decisions support the achievement of regional goals and outcomes.

Procedure

- a) Where an Assigned College feels that GCRB has not adhered to one or more of the principles above it may appeal against a funding decision by writing, in the first instance, to the Secretary to the GCRB.
- b) Letters of appeal must make clear the grounds for appeal by reference to one or more of the four principles above.
- c) All appeals will be registered and confirmation sent to the college making the appeal.
- d) Appeals will normally be dealt with within fifteen working days. Where it will not be possible to conclude the matter within fifteen working days, the college making the appeal will be informed.
- e) The Secretary to the GCRB will, where necessary, seek further information or clarification before bringing the appeal to the attention of a review panel comprising three non-executive members appointed by the Board for that purpose.
- f) The review panel may request further information or invite one or more representatives from the college making the appeal or, given that any change to a funding decision affecting one college could affect other colleges, the other Assigned Colleges, or the GCRB executive, to meet with them.
- g) The panel will review the appeal and make a recommendation to the Board whether or not to uphold the appeal and review the funding decision.
- h) If the appeal is upheld, the full Board will review the funding decision. Following this review,

the decision of the Board will be final and further appeals within the same funding round or citing the same grounds for review will not be considered.

- i) The outcome of the appeal will be communicated in writing to the college that made the appeal, and to any other of the colleges affected by the outcome of the appeal.

5. Risk Analysis

- 5.1** There are financial and operational risks to the colleges associated with the impact of an appeal by one college potentially being upheld, given that there is a fixed amount of funding for distribution within the region. Appeals being lodged would likely delay colleges' receipt of funding and, if upheld, result in a reduced allocation for some. Risks should be mitigated as far as possible by the robustness of the original consultation and decision-making process, and the efficiency and effectiveness of the appeals procedure itself.

6. Legal Implications

- 6.1.** There are no direct legal implications.

7. Financial Implications

- 7.1.** The financial implications are explicit in the paper.

8. Regional Outcome Agreement Implications

- 8.1.** Having satisfactory arrangements in place for the handling of appeals against financial decisions will be important to the successful negotiation and delivery of the Regional Outcome Agreement.

Annex A – SFC Funding Appeals Procedure

(from SFC website)

Funding appeals

The Council aims to ensure that all funding decisions are transparent and supported by the publication of relevant facts and analysis, funding principles and methods of calculation.

Where a college or university wishes to appeal against a funding decision, a written submission stating the grounds for the appeal should be addressed to the Secretary to the Council in the first instance.

All appeals will be registered. The Secretary to the Council will carry out a review of the funding decision and will respond in writing within 15 working days of receipt of the appeal. Where a full response within 15 working days is not possible, a letter will be sent to the institution outlining progress towards a response and setting a target by which to respond, usually within a further 15 working days.

Where a conflict of interest arises which would leave the Secretary to the Council compromised in reviewing the funding decision, this stage of the appeal will be carried out by a director who has had no material involvement in the circumstances giving rise to the appeal.

Should the response to the review prove unsatisfactory to the institution, details of the appeal will be directed to the Chair of the Council who will make a final decision on the matter. The Chair will report to the Council on any appeals about funding decisions along with the outcome of the process.