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## **Appeal Policy and Procedures**

Where applications are not recommended for approval, Block Grant Authorities (BGAs) must provide reasons for rejection to the applicant schools and advise them of their rights to review. BGAs must afford schools the opportunity to have their applications reviewed by a process independent of the original assessment process, and mutually acceptable to the BGA and its participating schools. This may be done before submission of recommendations to the Education, Skills and Employment, or following submission, but it must advise the Department of any appeals and a decision on the appeal must be made and communicated to the Department, before the Minister approves the BGA's recommendations.

In accordance with this requirement, the ACT Block Grant Authority (ACTBGA) has established the following appeals policy and procedures.

### **1. Grounds for Appeal**

#### **1.1 The following are the grounds for appeal that will be recognised as legitimate:**

- i that a school's application was not considered by the ACTBGA in ways which were consistent with approved guidelines relating to the objectives, priorities and procedures for assessment of applications for Australian Government capital assistance;
- ii that an applicant school was not provided with a reasonable opportunity to present its case fully and fairly; and
- iii that the ACTBGA, in the assessment of applications, had incorrectly applied factual information, provided in support of a school's application, against approved guidelines relating to objectives and priorities.

### **2. Lodgement of Appeal**

- 2.1 Appeals must be lodged with the Executive Officer of the ACTBGA. Appeals are to be in writing and must be lodged within the appeals period.
- 2.2 The appeals period will be 14 days from receipt of written notification of the ACTBGA's recommendation not to fund a project. The date of receipt is deemed to be two business days after the day on which the written notification was posted and emailed.
- 2.3 Appeals should clearly specify under what grounds the appeal is based upon, and provide any supporting evidence in the appeal submission.

### **3. Membership of Appeals Committee**

- 3.1 The Appeals Committee will comprise one member nominated by Catholic Education Canberra Goulburn (CECG), one member nominated by the ACT Association of Independent Schools (AIS), and a third member nominated as outlined in 3.2. Each of these three must have had no involvement in the original assessment process.
- 3.2 The third member will be agreed upon by the Director of CECG and the Executive Director of the AIS after consultation with the Chair of the ACTBGA. The third person will chair the Appeals Committee. Such a person shall not be currently employed by a participating school, CECG or the AIS. If this member considers that he or she may have a conflict of interest, he or she must notify the Director of CECG and the Executive Director of the AIS of the potential conflict. The Director of CECG and the Executive Director of the AIS will jointly determine whether an unacceptable conflict of interest exists. If an unacceptable conflict of interest exists, the third person must stand down and a replacement be sought.

### **4. Term of Office**

- 4.1 The members of the Appeals Committee will be appointed as soon as possible after the end of the appeals period, for the purpose of hearing only the appeals lodged within the appeals period.

### **5. Progress of Appeal**

- 5.1 The appeal will be heard within 30 days of the closure of the appeals period. The initial process will consist of an examination of the appeal papers, relevant ACTBGA documents and any written submissions by the appellant and the ACTBGA. The appellant and the ACTBGA will have the right to present their cases orally if they wish, in which case the time period for the hearing of the appeal may be extended to 45 days if necessary.
- 5.2 Should the Appeals Committee deem it necessary, other parties may be invited to make submissions or appear before the Committee.

### **6. Appeal Decision**

- 6.1 A decision will be arrived at within 60 days of the closure of appeals period.
- 6.2 The decision concerning the appeal will be conveyed in writing by the Appeals Committee to the Executive Officer of the ACTBGA who will, in turn, inform the relevant parties in writing. The reasons for the decision will be clearly stated.
- 6.3 The Executive Officer of the ACTBGA will notify the Department of Education, Skills and Employment of the outcome of the appeal.