

APPEALS POLICY AND PROCEDURE



Introduction

1. The Football Foundation (“**the Charity**”) and the Football Stadia Improvement Fund (“**the Company**”) are committed to working in an open and accountable way to provide a high quality and professional service at all times. Despite this commitment, we recognise that there are occasions where an individual, applicant or club may not be completely happy with the decision that has been made concerning their grant application. This document outlines the principles for considering appeals against funding decisions.
2. In this Policy, the abbreviation “Foundation” will refer to both the Charity and the Company. All references to “we” and “us” will also mean both the Charity and the Company.

Scope

3. Unsuccessful applicants may, if they wish to, appeal to the Foundation against funding decisions. The grounds for appeal are limited, but an appeal could be successful if based on one or more of the following grounds:
 - It can be shown that the Foundation failed to take account of information contained in an application;
 - It is believed that the Foundation misunderstood or misinterpreted the contents of, or a significant part of the application;
 - It is believed that there was a procedural violation or unfairness in the advice given to an applicant, or the way in which the application was assessed.
4. It is extremely unlikely that we will consider an appeal on any other grounds. This includes where an appeal is based solely on the grounds that an applicant does not agree with the eligibility criteria. To be eligible to apply for any grant with us, you need to meet all our criteria which is set in advance at the sole discretion of the Foundation Board of Trustees / FSIF Board of Directors. If an appeal is made purely in response to not meeting the eligibility criteria, it is unlikely that the appeal will be taken beyond the first stage of our process, as set out in this policy and procedure.
5. An appeal is also unlikely to be successful if based solely on the grounds that an applicant is disappointed by the decision. Given this, when rejecting applications, the Foundation endeavour to be clear about the reasons for rejection and to ensure that this is properly documented.

Appeal stage one

6. To make an appeal, you need to set out your position in writing, by letter or email, explaining the grounds for your appeal, as per the above reasons, as well as the reasoning behind your appeal. Where you are making an appeal on behalf of a Club or an establishment and are duly authorised to act on their behalf, please also make this clear in your letter. This will help to clarify the issue and avoid any possibility of misunderstanding or misinterpretation.



7. Your appeal should be addressed to the Director of Business Services and sent to enquiries@footballfoundation.org.uk or sent to 10 Eastbourne Terrace, London, W2 6LG.
8. You will receive an acknowledgement to your appeal within three working days. The Director of Business Services will then assess all the available information in light of your reasons for making an appeal.

If your appeal is upheld

9. If your appeal is considered to be both sound and valid, your funding application will be re-evaluated internally by an assessor not previously involved with your funding application, before being re-presented for consideration by the Grants Panel/Board (depending on the grant value). You must accept that if your appeal is upheld and your application is re-assessed in this way, this does not necessarily mean that an award will be offered.
10. The Director of Business Services will notify you in writing that your application is being re-assessed and the timescales that we are working towards. You will be informed in writing of the decision in due course.

If your appeal is rejected

11. If after considering your case, the Director of Business Services does not uphold your appeal request, they will notify you of this in writing within ten working days of receiving your appeal.

Appeal stage two

12. Should the Director of Business Services not uphold your appeal initially, or if your application is re-assessed as described above and you remain dissatisfied with the decision, a further appeal may be made in writing addressed to the Director of Business Services (as above). This should again explain the grounds for your ongoing appeal, as per the reasons identified in clause 3, and the reasoning behind your further appeal.
13. Your appeal will then be referred to an independent adjudicator, who is not a current member of the Foundation's staff and has no connection with either the members of the Grant Panel or Trustees.
14. 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 to further investigate the appeal, the independent appeal process will begin.
15. The Director of Business Services will notify you in writing whether your case will be progressed by the independent adjudicator, and if not, the reasons behind the adjudicator's decision. The adjudicator's decision as to whether your case will be progressed will be final.



16. Fresh information which was not available to the original project assessors may not be taken into account by the adjudicator, although it can influence any action that he/she may recommend.
17. The Director of Business Services will prepare the file with copies of all correspondence, hard copies of emails, and copies of internal reports, as well as the project summary prepared for the Grant Panel/Board and extracts of all minutes.
18. The file is then handed to the adjudicator for review. 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 staff who contributed to the assessment/s. The adjudicator may visit the site if required. 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 Director of Business Services.
19. The adjudicator will then prepare a report on the case. The report will recommend whether the appeal should be allowed or disallowed. On completing the report, the adjudicator will write to you, informing you what their recommendation to the Foundation will be.
20. Such a recommendation will not simply be a reversal of the Grants Panel/Board's decision. 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.
21. The appeal adjudication will include an evaluation of the way in which the assessment was carried out, to establish whether it was fairly and correctly conducted. This is not, however, an alternative route to a decision, as this remains with the Grants Panel/Board.
22. The confidential report will 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, will then be considered by a small group of nominated Grants Panel Members (the Appeal Panel).
23. The Appeal Panel will then make a recommendation to the wider Grants Panel, or Board if appropriate, for final agreement.
24. The Director of Business Services will write to you to inform you of the Grants Panel/Board's decision on the appeal.
25. The Grant Panel/Board's decision will be final.



Time Frame

26. The Foundation appreciate the importance of managing appeals in a timely fashion. The below time scales provide an indication of what the Foundation will endeavour to meet:

- Acknowledge all appeals within three working days of receipt.
- If you have confirmed which of the three grounds you are appealing under, your case may be referred for internal re-evaluation as identified in this policy, and the timescale for us to respond will be confirmed by the Director of Business Services.
- Where you have not confirmed which of the three grounds you are appealing under, you will be given 28 days to confirm this. Outside of this time frame we will assume that you do not wish to proceed with the appeal.
- If there is no response within the 28-day timescale identified above, we will write to you explaining that there will be no further action
- If your appeal is referred to an independent adjudicator as per this policy, this referral will take place within two weeks from receipt of the appeal letter/email.
- The Director of Business Services will agree with the 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.

27. It must be accepted, however, that facility projects can be complex, with detailed and technical specifications and despite our best endeavours, we may not always be able to meet these timeframes. In this circumstance, the Director of Business Services will provide an explanation of the reasons for the delay and a new timescale will be given.

Our records

28. At all stages of the process, written records will be kept showing:

- The nature of the complaint raised;
- The Foundation's response; and
- Any action taken and the reason for the action.

29. These records will be kept for a minimum of six years.

30. The case information will be shared internally as required to manage your complaint. It may also be shared with external organisations when they are helping us to deal with a complaint, for example, an independent adjudicator, the relevant County FA, the related construction partner or supplier, or our funding partners.

31. There may also be certain circumstances where we would need to share your information or the case information, for example, where we are required to do so by law, for safeguarding purposes or in emergency situations.



32. Contact details provided through the process will not be used for any other purpose.

Policy review

33. The Foundation is committed to keeping this Policy current and relevant. It will be monitored and reviewed every two years and may also be amended from time to time to reflect any changes in legislation, regulatory guidance, or internal policy decisions.

34. This Policy is approved by the Foundation Board of Trustees every two years and in between times if significant revision is required.