

<b>Title</b>	<b>Appeals Committee Terms of Reference</b>
<b>Last Review</b>	<b>Board Meeting 18 November 2013</b>
<b>Current Review</b>	<b>Board Meeting 21 May 2018</b>
<b>Author</b>	<b>Director Corporate Services</b>

## **APPEALS COMMITTEE TERMS OF REFERENCE**

### **1. TERMS OF REFERENCE FOR APPEALS COMMITTEE**

- 1.1 The Board has established an Appeals Committee, hereafter referred to as the Committee. The principal function of the Committee is to consider appeals against decisions made by the Accreditation Committee. The Committee shall determine appeals lodged in accordance with article 9 of that Risk Assessment and Minimisation (Accreditation Scheme) (Scotland) Order 2006 and shall conduct its responsibilities in accordance with both this Order and RMA Standing Orders.

### **2. MEMBERSHIP**

- 2.1 The Convenor will normally Chair the Committee unless prevented by a conflict of interest. . If the Convenor is ineligible or unavailable to chair the Committee, the Board must appoint a substitute chair The Board will appoint members of the Board to sit on the Appeals Committee when required and record this in its minutes.

2.1.1 Appeals Committee members, including the Chair, must wholly satisfy both of these criteria.

- a) They must not have participated in or influenced the original Accreditation Committee that took the decision now subject to appeal.
- b) They must be free from any conflict of interest concerning the appellant or matter under appeal.

- 2.2 The Chief Executive and the Director of Business Performance (and any other member of staff) as approved by the Chair may attend to support the Committee.

### **3. REPORTING**

- 3.1 The Committee will formally report in writing to the Board and Accountable Officer after the conclusion of each appeal. A copy of meeting minutes may form the basis of the report.

### **4. RESPONSIBILITIES**

- 4.1 The Committee shall determine appeals sent to the Authority in accordance with article 9 of the Risk Assessment and Minimisation (Accreditation Scheme) (Scotland) Order 2006.
- 4.2 The Committee shall consider appeals against decisions made by the Accreditation Committee. Accreditation Committee decisions subject of appeal include:
- 4.2.1 Decision not to award accreditation
  - 4.2.3 Decision to withdraw accreditation
  - 4.2.4 Decision to terminate accreditation
- 4.3 The Committee will hold an oral hearing.
- 4.4 Subject to the provisions of the Order, the Committee may regulate its own procedure for dealing with an appeal.
- 4.5 The Committee will review the effectiveness of procedures and report the results of that review to the Board and Accountable Officer.

### **5. RIGHTS**

- 5.1 The Committee may request the Authority appoint a legal assessor to advise them in respect of any particular appeal.
- 5.2 The Committee may procure specialist ad-hoc advice at the expense of the organisation, subject to budgets agreed by the Board or Accountable Officer.

### **6. ACCESS**

- 6.1 Access to any oral hearing of the Committee is determined within the Order. The Chair of the Committee may refuse access in certain circumstances as stipulated in the Order.

## **7 MEETINGS**

7.1 Subject to the provisions of the Order, the Committee may regulate its own procedure for dealing with an appeal. The conduct and timescales regarding hearings and decisions are stipulated within the Order.

7.1.1 The Committee shall give the appellant not less than 6 weeks' notice of an oral hearing.

7.1.2 The decision of the Committee shall be recorded in a document and be sent to the appellant not later than 4 weeks after the end of the hearing.