

Learning and Skills Council Planning and Funding Review

Appeals: April 2004 – December 2004

Introduction

1 The Learning and Skills Council (LSC) Business Cycle is to be fully implemented from autumn 2004. It will enable the LSC to align the processes of planning, funding and reviewing. As a first step in implementing the LSC Business Cycle, the spring 2004 cycle of annual review has been incorporated into the process of annual review of providers' performance against three-year development plans.

2 Although the annual review is contextualised by the current performance review framework, the spring review will primarily consider progress achieved against priorities, targets and milestones identified in the three-year development plans. Progress and strengths will be identified and areas for improvement agreed.

3 As part of the spring 2004 review of three-year development plans, reviews will only consider the categorisation of providers and further education colleges where these would be excellent or serious concerns.

Appeals Relating to the Spring 2004 Review

4 It is important to distinguish between a complaint and an appeal with regard to the process that can be followed by providers.

- A college or provider that is dissatisfied with the **criteria** for performance related funding may progress these issues through the Council's complaints procedures –

<http://www.lsc.gov.uk/NR/rdonlyres/eoff7d55m5d3cnifwspdjwnasblvcxus6dgpj2m3p75u3votc3hdkoozpsfocoeperwmoggvqbaqbc/LSCComplaintsProc.DOC>

(these arrangements are set out in Circular 03/16 and the March 2004 website document 'Arrangements for Implementation of the Premium Funding Methodology set out in Circular 03/16, and Assessment for Inflation-only Funding')

- A college or provider that is dissatisfied with the review process and/or a decision of the review panel for spring 2004 may request an appeal.

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Appeal Information and Stage	Action
<p>Grounds</p>	<p>The appeal must be on one of the following grounds:</p> <ul style="list-style-type: none"> • A review panel did not take into account all relevant material evidence that was available at the time that the panel papers were prepared • The review process was not conducted in a fair and transparent manner • The decision of the review panel or regional moderation panel was not reasonable taking into account the information which was available to the panel
<p>1</p>	<p>If the college or provider considers that the issues raised either after the first or second stage review panels or following regional moderation, have not been resolved they can then write to the Regional Director, copied to the Executive Director of their local LSC, and request an appeal hearing.</p>
<p>Appeal letter</p>	<p>The letter of appeal must contain details of the particular grounds for appeal and provide supporting information and documentation which the college or provider wants the appeal panel to consider.</p> <p>This must be done within ten working days of receiving the written feedback letter, which sets out the categorisation and issues arising from the review.</p>
<p>Evidence items</p>	<p>Council documents such as circulars, funding agreements and guidance, should not be cited as evidence items to be presented in full to the panel. Reference can however, be made to the relevant sections within them.</p>
<p>2</p>	<p>The Regional Director must acknowledge the receipt of the written request within ten working days.</p>

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Appeal Information and Stage	Action
3	The Regional Director will convene an <i>independent</i> appeals panel as soon as possible after the receipt of the written request.
4	The appeals panel will consist of, a Regional Director and an Executive Director <i>both of whom are from a different region</i> , and an external adviser.
5	The chair of the second stage review panel will prepare a statement responding to the grounds of appeal, which should provide information about the basis on which the decision on categorisation was made. This should be sent to the panel members and the college or provider five working days before the appeals panel is due to meet.
6	At its meeting the appeals panel will consider the statement from the local LSC and consider the written representations made by the college or provider.
7	The appeals panel will consider whether the grounds of the appeal have been made taking into account the evidence, the process of assessment and the conduct and assessments of the first and second stage panels.
8	The appeals panel can have the assessment reconsidered.
9	The region, local LSC and the college or provider will be informed of the final decision of the appeals panel in writing within seven working days.
Complaints	If after an appeals panel has been completed a college or provider is dissatisfied about the administration of the process they can make a complaint by following the Council's complaints procedure.

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Publication enquiries: 0870 900 6800

Ref: LSC/AA000/1069/04