



# Appeals Process

07th September 2018

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## 1. Introduction

- 1.1 The Elder Mediation International Network (EMIN) is a not-for-profit organisation established to promote the highest standards of mediation by Elder Mediators working with ageing and age-related issues.
- 1.2 The purpose of this Appeals Process is to provide an appropriate and equitable avenue of appeal against decisions of EMIN. This Process does not affect anyone's legal rights. This Appeals Process may be pursued by:
  - 1.2.1. A Complainant who wishes to appeal the findings of the Adjudication Panel in relation to a complaint that they submitted;
  - 1.2.2. A Member who wishes to appeal the findings of the Adjudication Panel in relation to a complaint that was made against them; or
  - 1.2.3. A Member who wishes to appeal a decision of, or the sanctions imposed on them by, the Executive Board.
- 1.3 The EMIN Appeals Process allows for procedural review in order to to:
  - 1.3.1. Ascertain if appropriate and reasonable steps were taken by the relevant committee/officer in the Adjudication Process; or
  - 1.3.2. Ascertain if a sanction or decision is reasonable in the circumstances.
- 1.4 The Appeals Process does not allow for the review of substantive information on which a finding or decision was reached.
- 1.5 The Appeal Process will be conducted on the basis of written documentation and submissions and by way of questions to relevant persons, where required.

## 2. Definitions

### **Appeals Panel**

An independent panel appointed by the Executive Board of EMIN to conduct an appeal.

### **Appellant**

A person who has been directly affected by a decision of EMIN and makes an appeal against that decision.

### **Committee(s)**

There are various committees of EMIN which are charged with operational matters and making recommendations to the Executive Board.

### **Complaints/Appeals Administrator**

A person appointed by EMIN to facilitate the operation of the relevant process and to provide process support, as appropriate, to the different officers appointed to specific process roles.

### **Executive Board**

The governing body of EMIN.

### **Member**

A registered member of EMIN.

### 3. Submitting an Appeal

- 3.1 The decisions of EMIN are made either by the Executive Board or by Committees or persons which have been charged by the Executive Board with decision-making authority. If someone who is directly affected by the decision wishes to appeal that decision, they (the Applicant) should notify the Complaints/Appeals Administrator (the Administrator) of EMIN.
- 3.2 Unless otherwise specified the Appellant should notify the Administrator of their intention to appeal within 18 calendar days of the relevant decision. The Appellant must provide a copy of the decision, the name of the Committee or EMIN Officer that made the decision, and the basis for their appeal.
- 3.3 The Administrator will acknowledge receipt of the appeal and will notify the Chair of the Appeals Panel within five working days.
- 3.4 The Chair of the Appeals Panel will determine if the appeal can be dealt with by the Panel.
- 3.5 If the appeal cannot be dealt with by the Appeals Panel, the Appellant will be notified as soon as possible and informed of the reason why their appeal cannot be dealt with.  
  
If the appeal can be dealt with by the Panel, the Appeals Process will begin.
- 3.6 Neither EMIN nor anyone acting on its behalf can claim confidentiality in relation to decisions which are subject to appeal under the Appeals Process.
- 3.7 There is no charge for using the Appeals Process.
- 3.8 All appeals notified to EMIN will be dealt with as promptly as possible. Any delays will be notified to all concerned. An extension of time-limits may be agreed by all the parties.
- 3.9 If any officer involved in the Appeals Process becomes aware of anything that might constitute a conflict of interest or a perceived conflict of interest, they must declare it so that it can be ascertained whether they need to step down from the Appeals Process.

### 4. The Appeals Procedure

- 4.1 The Chair will appoint a Panel and will notify the Appellant and the person or body whose decision is being appealed.
- 4.2 The person or body whose decision is being appealed will be sent a copy of the Applicant's reason for appeal. If it is one of EMIN's committees or other panels whose decision is being appealed, the panel/committee will nominate one of their members to respond on their behalf.

A formal response must be provided by the individual or the nominated responder, in writing, within ten working days. The Appellant will be sent a copy of the reply and may respond further within ten working days.

- 4.3 The Appeals Panel will meet to discuss the matter and make their decision. The Panel must decide whether or not to uphold the appeal. If they decide not to uphold the appeal, no further decision is made. If the appeal is upheld, the Panel must consider if any other action needs to be taken by EMIN in relation to the matter.
- 4.4 The Chair of the Appeals Panel will notify the Appellant and the relevant person or body of EMIN of the Panel's decision. The Chair will also notify the Executive Board of its decision. The notice will be in writing and set out the basis for the decision.
- 4.5 The Appeals Process is expected to take up to 30 days. However, depending on the particulars of the case, this may be extended.

## 5. The Appeals Panel

- 5.1 The Executive Board of EMIN will appoint individuals for two years to the Appeals Panel. The Panel will include both Members of EMIN and individuals who are independent of EMIN.
- 5.2 The Chair of the Appeals Panel will be appointed by the Executive Board for two years.
- 5.3 Each matter brought to the Appeals Panel will be dealt with by a panel of three individuals. This will include the Chair, one other independent person and a Member. In appeals against decisions of the EMIN Complaints or Disciplinary Panels, the Member should be a certified Member.
- 5.4 The deliberations of the Appeals Panel will be confidential.