

DRAFT

Appeals Panel – servicing The Allocations and Tenancy Management Panel

Role – to review decisions made by The Allocations and Tenancy Management Panel (“ATM”)

Decision Options:- Uphold ATM Panel Decision
Reject ATM Panel Decision

Appeals Panel have no power to:

- a) Reach decisions which contravene the Nottingham City Council Allocation Policy and/or
- b) Change the Nottingham City Council Allocation Policy.

ALLOCATION AND TENANCY MANAGEMENT APPEALS

PART A. ADMINISTRATIVE PROCESS

1. Allocations and Tenancy Management Panel (“ATM”) notify the tenant of their decision (via Central Allocations Team (“CAT”) and tenant notified of their right to submit an appeal (to include grounds of appeal) within x working days of receipt of the ATM decision.
2. Appeal against Allocations and Tenancy Management Panel decision received in writing by the CAT.
3. CAT to supply the Appellant with a copy of the Allocations Appeal Process and advise that NCH aim to set up an appeal hearing within ? working days of the written grounds of appeal being submitted.
4. CAT to notify ATM Panel member (*preferably the chair of the Panel*) that they will be required to submit a statement on behalf of NCH and attend the Appeal Panel hearing on a date to be fixed. (*ATM panel member availability sought by CAT at this stage*).
5. Central Allocations Team contact the Governance Team to arrange a date and panel make up. The panel will comprise of an Assistant Director, and usually two NCH tenant board members.
6. The Appellant and the ATM representative required to submit a statement in support of their case to CAT at least 10 working days prior to the hearing
7. CAT refer all paper work in support of the Appeal hearing to the Governance Team for distribution

8. Governance will write to the Appellant, the ATM Panel representative and also the panel members to confirm the date, time and venue for the appeal and enquire as to any special requirements for the hearing (*addressing any individual requirements e.g. disability and/or any language issues*).
9. Governance will inform the Appellant of their option to supply further information at least x days before the hearing, to support their appeal and that they have the right to bring someone along with them to the appeal.
10. Once all information is received, Governance will circulate to all panel members and the Appellant. A copy of the format of the appeal hearing will be supplied at this stage. (see Part B below).
11. At the appeal an Assistant Director or Executive Director will chair the meeting and a representative from the original ATM Panel will put the case for NCH. The Appellant or their representative will then put their case forward. Panel members are able to ask questions of the Appellant and/or the ATM representative. The hearing will be minuted by the CAT or other nominated officer.
12. The Chair of the panel will take notes and once all the information has been collated by the panel, the Appellant and the ATM Panel representative will be asked to leave the room whilst the decision is made. The CAT or other nominated officer will retire with the Panel to provide a summary of the hearing/assist the Panel with any information required and will note the decision but will not take part in the decision making process.
13. Once the decision is made, the Chair of the panel will write to the Appellant informing them of the panel's decision. This should be done within three working days of the date of the Appeal hearing. If the decision can be made immediately the Appellant will be informed of the decision verbally which will be confirmed in writing within 3 working days.
14. All paperwork is kept on file by the CAT (with a copy of the decision for Governance Team records).

PART B. APPEAL HEARING FORMAT

1. Terms of Reference

1.1. The remit of the Appeal Panel is to determine the Appellant's grounds of appeal having regard to the original decision reached by the Allocation and Tenancy Management Panel.

1.2. The Appeal Panel cannot change or make a decision in contravention of the Nottingham City Council Allocation policy applied by Nottingham City Homes.

1.3. The Appeal Panel may either:

- a) uphold the appeal thereby dismissing the original decision of the ATM Panel or
- b) reject the appeal thereby upholding the original decision of the ATM Panel

2. Panel Composition

2.1 The Appeal Panel will consist of an Assistant Director and two tenant Board members of Nottingham City Homes

2.2. In exceptional circumstances, the Assistant Director may nominate a member of the Executive Management Team to take their place on the Panel.

3. Attendance at the hearing

3.1. All parties to the appeal must attend the hearing

3.2. If you do not attend, a decision will be made in your absence

3.3. In exceptional circumstances (agreed in advance by the Governance Team), the parties to the hearing may:

- a) Agree to adjourn the hearing to the next available date or
- b) Allow a nominated person to attend the hearing on their behalf).
However, it should be noted that in those circumstances, the Panel is entitled to decide what weight (if any) is given to information supplied by the nominated person, when reaching its decision.

4. Procedure

4.1. The ATM representative will read out the ATM Panel Member statement in support of the Company's decision and may refer to any relevant documents in the Appeal Schedule of Documents.

4.2. The Appellant/Appellants representative and the Appeal Panel members will have the opportunity to ask questions of the ATM representative

4.3. The Appellant will then ask for their grounds of appeal to be considered (they may read it out if they wish) and supply any further information at that stage.

4.4. The Appeal Panel can then have the opportunity to ask questions of the Appellant.

4.5. Minutes of the hearing will be taken by a nominated officer

4.6. The Panel will retire with the CAT or other nominated Officer or other adviser as required to reach their decision.

4.7. The CAT or other nominated officer or other adviser will not take part in the decision making process but will provide an advisory role as appropriate and note the decision.

4.8. Where time permits, the hearing will be reconvened on the same day for the Appeal Panel to notify the Appellant and the ATM panel member of its decision.

4.9. In any event the decision of the Appeal Panel to be communicated to both parties within 3 working days of the Appeal hearing.

4.10. There is no further right of Appeal within Nottingham City Homes although Appellants may wish to seek their own independent advice as to their position.