



Local Government Selection Appeals Advice notes for Executive Councils

If an applicant has been unsuccessful at any stage of the selection process and they feel the selection rules have not been followed then they have the right to appeal – but only on the grounds that the process was not followed.

The appeal will be heard by the Association Executive Council.

Executive members should ensure they are familiar with the selection rules, in particular rule 11:

The only appeal possible regarding the process is on the grounds that the process was not carried out in accordance with these rules. Applicants may not appeal against a properly taken vote that they have lost.

The process to hear the appeal should be simple, fair, transparent and streamlined. To ensure this the following template is recommended.

Timescale

The applicant must appeal, in writing, to the Association Chairman within 14 days of the notification that they had been unsuccessful. They should explain which selection rules they believe were not followed. Only the applicant can appeal.

If the Chairman agrees that there has been a clear error then the process can be re-run without bringing it to the Executive.

Otherwise the Chairman should schedule the matter for the next Executive Council meeting, if necessary a Special Executive should be convened. The Executive must hear the appeal within 28 days.

Planning the Meeting

The Officers should ensure that the composition of the Executive is up to date and that at least 2 weeks' notice of the meeting is given.

To ensure impartiality this item should have an independent Chairman. Either an Association officer who has not been involved in the selection up to this point or an officer from a neighbouring Association, not an Area Officer who may be needed in a later appeal.

If the appeal relates to Stage 1 of the selection process Executive members who sat on the Approvals Committee cannot act as part of the Executive in an appeal.

If the appeal relates to Stage 2 then Executive Members who sat on the Shortlisting Panel cannot act as part of the Executive in an appeal.

If the appeal relates to Stage 3 then Executive Members who attended the ward/division selection meeting cannot act as part of the Executive in an appeal.

Format of the Meeting

The appellant should make their case to the Executive as to which rules of the selection process they believe have not been followed.

A representative of the Association or Approvals Panel should have the same time available to reply to explain why they feel the process was followed.

Questions from the floor can be directed to either side. A time limit for the Q&A is recommended.



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Voting

After the Q&A and with no further discussion the Executive should vote by secret ballot on the following motion:

*Do you find in favour of the appeal by **name of applicant**?*

In order for the appeal to pass a majority must vote 'Yes'. A drawn vote should be considered a rejection.

After the appeal

If the appeal is successful the selection process should be restarted from the point at which it 'went wrong'. If the appeal is unsuccessful then the applicant has 14 days in which they can appeal to the Area Management Executive whose decision is final.

Frequently Asked Questions

Q. The Group Leader attended the interview but didn't vote, can they take part in the appeal?

No, as they sat on the Approvals Panel (albeit in a non-voting capacity) they should not take part in the appeal.

Q. If the Association Chairman does not believe that the appellant has identified a breach in the rules and therefore has no grounds to appeal can they refuse to take the matter to the Executive?

If the Association Chairman believes that the appellant has not provided grounds to support an appeal they should make this clear to the appellant but the right of appeal to the Executive remains.

Q. If I am a member of the Executive can I vote for my own appeal?

Yes.

Q. Rather than people appearing in person can the Executive consider written submissions?

Yes so long as the person has been given a reasonable opportunity to appear before the Executive. The option should only be considered in exceptional circumstances.

Q. Can my appeal document be given to the Executive to read?

Any paperwork distributed to the meeting should be minimal. For instance one sheet of A4 per side.

Q. If a member can't attend the Executive can their branch send a substitute?

Only if substitutes are specifically allowed in your Association Rules (rule 6.1.4 of Schedule 7 of the constitution).

Q. If the appeal is successful do we need to rerun the selections in the other seats the appellant wanted to apply for?

The Executive should consider what would be appropriate given the particulars of the appeal they have just heard.

